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History
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North Carolina

BY
SAMUEL A'COURT ASHE

In two Volumes

V. 1, pt. 1
VOLUME I
FROM 1584 TO 1783

GREENSBORO, N. C.:
CHARLES L. VAN NOPPEN, Publisher

1908

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of
North Carolina

by
SAMUEL AUGUST JEFF

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Vol. I

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DEDICATION

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To Thomas Jordan

In 1895, I was one of the many who called that you and the
 numerous members of the North Carolina Historical Society
 as the first year class of the University of North Carolina
 was formed. That year was together in the important year of 1895-96
 when you as Speaker of the House, held the most commanding
 position among our people, that from that time onward we were
 co-workers in every effort that tended to promote the welfare
 of the people; that we suffered together in disappointments and
 enjoyed together many successes; that during the six years
 of your useful and honorable service to the State, there were no serious
 interruptions, and that the work of the Society was carried on
 smoothly and that the work of the Society was carried on
 without interruption. During these long years of association, when we were
 by common bonds and subject to the same anxieties in the
 of that eventful period.

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BY CHARLES L. VAN NOPPEN

ALL RIGHTS RESERVED

I dedicate this volume to you and to the memory of our departed
 friend, at the time of his important state publications,
 the publication of which was made possible by your own personal
 contributions and I inscribe your names on this page in recognition
 of your great services to the people of North Carolina and in token
 of my friendship.

S. A. J. J.

DEDICATION

To Thomas Jordan Jarvis:

In taking a retrospect of past events I recall that you and the lamented William Laurence Saunders and myself were fellow soldiers in the long war; that we shared in the anxieties of the Reconstruction period; that we were together in the important work of 1870-72, when you, as Speaker of the House, held the most commanding position among our friends; that from that time onward we were co-laborers in every effort that promised to promote the welfare of the people; that we suffered together in disappointments and enjoyed together many glorious victories; that during the six years of your useful and brilliant administration we were in constant co-operation, and in complete sympathy in all matters of public concern; and that since then, our cordial friendship has continued without interruption, save that Saunders has rested from his labors. Recalling those long years of association, when we were animated by common hopes and subject to the same anxieties—in remembrance of that eventful period—

I dedicate this volume to you and to the memory of our departed friend, it being an early fruitage of his important state publications, the preparation of which was made possible by your own cordial concurrence; and I inscribe your names on this page in recognition of your great services to the people of North Carolina and in token of my friendship.

S. A. Ashe.

DEDICATION

To Thomas Jordan Jarvis
In taking a moment of quiet reflection I recall that you and the
members of the North Carolina Association of the Deaf were
in the long past, that we shared in the history of the Association
and that we were together in the important work of the
Association when you as President of the Association held the most commanding
position among our friends; that from that time onward we were
co-laborers in every effort that promised to promote the welfare
of the people; that we labored together in development and
enjoyed together many glorious victories; that during the six years
of your useful and brilliant administration we were in witness
concordance and in complete sympathy in all matters of public
interest without interruption of the same until the day when we were
separated by common hopes and subject to the same misadventure—
of that eventful period—
I dedicate this volume to you and to the memory of our departed
friend, it being an early feature of his important state publications
the preparation of which was made possible by your own model
concordance; and I inscribe your names on this page in recognition
of your great services to the people of North Carolina and in witness
of my friendship.

J. A. Ashe.

PREFACE

At different times in the past the public were led to hope that Judge Murphey, Governor Graham or Governor Swain would prepare a History of North Carolina, but these distinguished investigators into historical subjects had not the leisure, or they were deterred by the labor that such a work would entail. Fortunate would it have been had the literature of the State been enriched by such a contribution from any one of those illustrious citizens.

And yet it is to be observed that it is only in more recent years that the great mass of original documents bearing on our history has been collected and made accessible to students. The publication by the State of twenty-six volumes of a thousand pages each of this material has thrown such light on matters formerly obscure that the story of our people can now be much more accurately written than ever before.

It was the fortune of the writer to have been familiar with these documents before they were made public by the State, and to have carefully considered those of any particular import. An investigator into original sources of North Carolina history for many years, he was naturally the co-laborer of Colonel Saunders in his great work, and he was also somewhat concerned in preparing the Prefatory Notes of the State Records. It is then with some confidence that he offers the result of his protracted labors to the public.

As this work is based almost exclusively on the State publications, nearly every statement relating to North Carolina has for its support a contemporaneous document.

Every one owes something to the community of which he is a member, and the author in performing the self-imposed task of preparing this History of North Carolina feels that he is only paying a small part of the natural obligations resting on him as a citizen of the State. In the execution of his design he has sought to present the past with unswerving fidelity. Animated by an ambition to do his work so

thoroughly that posterity will value it, he has closely investigated all subjects, and, as far as practicable, has brought together the circumstances bearing on transactions concerning which there have been differences of opinion.

The history of North Carolina abounds with incidents that illustrate the high patriotism of our people, their manhood, their constancy and their endurance. It has been with pride that the author has sought to perpetuate the record of those events and to enforce on posterity the lessons they inculcate, while preserving the memory of those useful citizens who have contributed to the public welfare.

The author makes acknowledgment to Dr. Stephen B. Weeks for valuable suggestions, for his assistance in reading proof and for his indefatigable labor in verifying references. It is largely due to his critical acumen, to his scholarly taste and to his unsparing labor that this volume will be found so free from defects.

Acknowledgment should also be made to Mr. Charles L. Van Noppen, the publisher, for his zealous interest. He has not considered the cost but has been animated by a patriotic purpose to be instrumental in the production of a work which he hopes will gratify the people of the State.

THE AUTHOR.

RALEIGH, N. C., *June 1, 1908.*

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east toward the American position.



SIR WALTER RALEIGH

HISTORY OF NORTH CAROLINA

THE FIRST EPOCH—1584-91

RALEIGH'S EXPLORATIONS AND COLONIES

CHAPTER I

CONTEMPORANEOUS DOCUMENTS

Extracts from contemporaneous writings relative to the discovery of Virginia.—Explorations.—Localities.—Attempted settlements at Roanoke, and the fate of the Lost Colony.—The Croatans.

[Richard Hakluyt, a lecturer on geography at Oxford, began about the year 1580 to devote himself particularly to a study of the geography of America, collecting all manuscript accounts of voyages to that unknown country, translating and publishing them. In 1598 he gave to the world his greatest work, "The Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation" (London, 1598-1600, three volumes). In the third volume of this valuable collection are found the reports and narratives of those concerned in Sir Walter Raleigh's explorations and colonies in Virginia. The author has made such extracts from them as are of particular interest in connection with this work.]

1584
~~~~~

### THE FIRST VOYAGE

Made to the Coasts of America, with Two Barks, Wherein Were

Captains

M. PHILIP AMADAS

and

M. ARTHUR BARLOW,

Who Discovered Part of the Country now Called

VIRGINIA,

Anno 1584.

Written by One of the Said Captains and Sent to Sir Walter Raleigh, Knight, at Whose Charge and Direction the Said Voyage Was Set Forth.



1584

[This account was written by Barlow, and as it is addressed to Sir Walter Raleigh, its preparation was completed after Raleigh was knighted, which was subsequent to the return of the expedition.]

### Extracts

Barlow's  
Narrative,  
Hakluyt,  
III, 301

The 27th day of April in the Year of our Redemption 1584. we departed from the west coast of England with two barks well furnished with men and victuals.

See also  
Goldsmid's  
edition of  
Hakluyt,  
Early  
English  
Voyages,  
II, 169  
*et seq.*

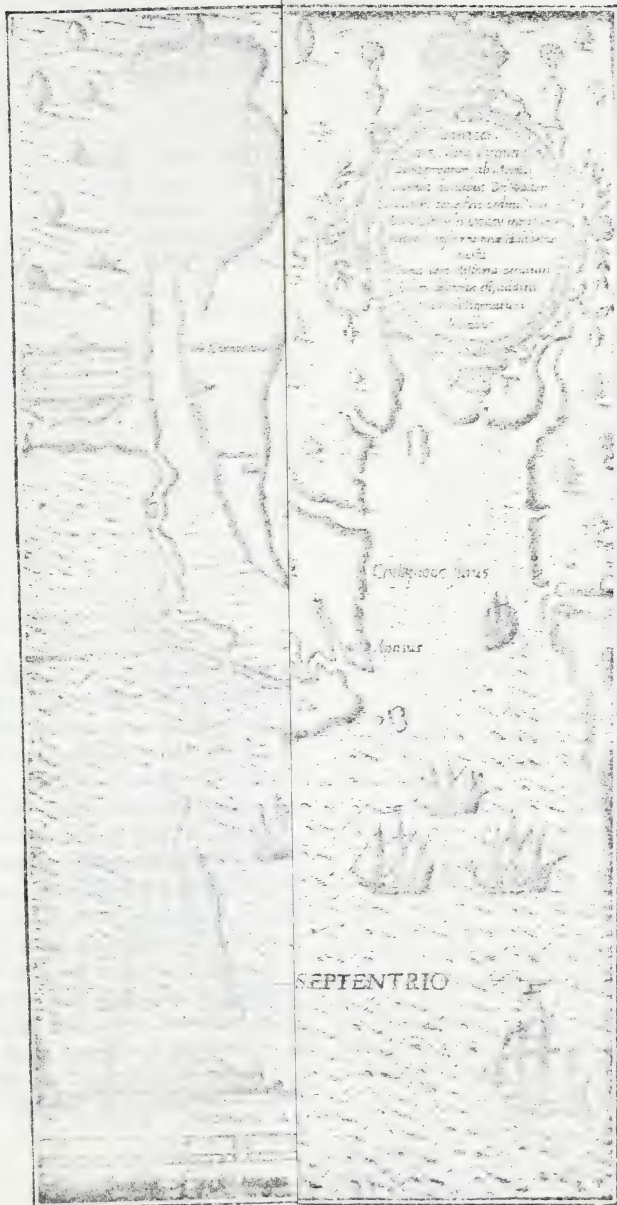
The second of July we found shoal water . . . and keeping good watch and bearing but slack sail, the fourth of the same month we arrived upon the coast, which we supposed to be a continent and firm land, and we sailed along the same a hundred and twenty English miles before we could find any entrance or river issuing into the Sea.

The first that appeared to us we entered, though not without some difficulty, and cast anchor about three harquebus-shot within the haven's mouth, on the left hand of the same; and after thanks given to God for our safe arrival thither, we manned our boats and went to view the land next adjoining and to take possession of the same, in the right of the Queen's most excellent Majesty, as rightful Queen and Princess of the same, and after delivered the same over to your use according to her Majesty's grant and letters patent under Her Highness' great seal. Which being performed according to the ceremonies used in such enterprises, we first landed, very sandy and low towards the water side, but full of grapes, etc. We passed from the seaside towards the tops of those hills next adjoining, but being of mean height, and from thence we beheld the sea on both sides to the North and to the South, finding no end any of both ways. This land lay stretching itself to the West, which after we found to be but an island twenty miles long and not above six miles broad.

We remained by the side of this island two whole days before we saw any people of the country: the third day we espied one small boat rowing towards us, having in it three persons. This boat came to the island side, four harquebus-shot from our ships: and there two of the people remaining, the third came along the shore side towards us, and we being then all within board, he walked up and down the point of the land next to us. . . . They are of colour yellowish, and their hair black for the most part: and yet we saw children that had very fine auburn and chestnut coloured hair.

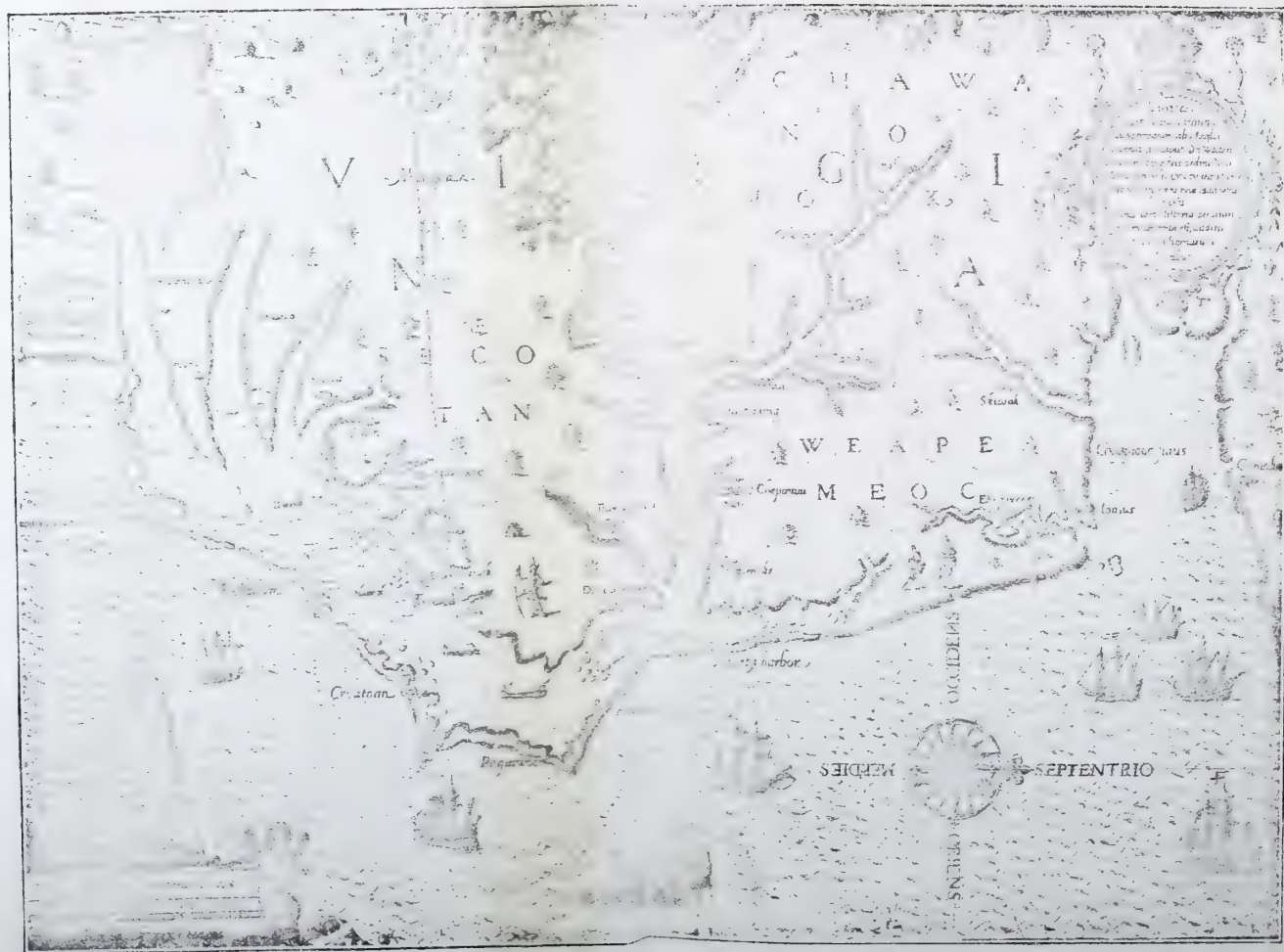
The next day there came unto us divers boats, and in one of them the King's brother accompanied by forty or fifty men. . .











FIRST MAP OF NORTH CAROLINA  
(From the original Drawings)



His name was Granganimeo, and the King is called Wingina, the country Wingandacoo.

1584

After they had been divers times aboard the ships, myself and seven more went twenty miles into the river that runs towards the city Skicoak, which river they call Occam; and the following evening we came to an island which they call Roanoak, distant from the harbor by which we entered seven leagues;\* and at the north end thereof, there was a village of nine houses built of cedar and fortified round about with sharp trees to keep out their enemies, and the entrance into it made like a turnpike; when we came towards it, standing near into the water's side, the wife of Granganimeo, the King's brother, came running to meet us very cheerfully and friendly. . . .

Beyond this island is the mainland; and over against this island, falls into this spacious water, the great river called Occam by the inhabitants, on which stands a town called Pomeiock, and six days' journey from the same is situated their greatest city called Skicoak.

Into this river falls another great river, called Cipo. . . . Likewise there descendeth into this Occam, another river called Nomopana; on the same side thereof stands a great town called Choanook, and the lord of that town and country is called Pooneno. This Pooneno is not subject to the King of Wingandacoo.

Beyond this country is there another king whom they call Menatonon. Towards the Southwest, four days' journey, is situated a town called Sequotan, which is the Southernmost town of Wingandacoo, near unto which six and twenty years past there was a ship cast away, whereof some of the people were saved, and those were white people, whom the country people preserved. And after ten days remaining in an out island, uninhabited, called Wocokon, with the help of some of the dwellers of Sequotan, fastened two boats of the country together and made masts unto them and sails of their shirts and departed. . . . Adjoining to this country aforesaid, called Secotan, begins a country called Pomouik, belonging to another king whom they called Piamacum; and this king is in league with the next king adjoining towards the setting of the sun, and the country Newsiok, situate upon a river called Neus; and these kings have mortal war with Wingina, King of Wingandacoo.

When we first had sight of this country, some thought the first land we saw to be the continent, but after we entered into the haven we saw before us another mighty long sea; for there lieth along the coast a tract of islands, two hundred miles in length, adjoining to the sea, and between the islands, two or three entrances. When you entered between them (these islands being very narrow for

\*Twenty-one miles.



1584

the most part, as in most places six miles broad, in some places, less; in few, more,) then there appeared another great sea, containing in breadth in some places forty, and in some fifty, in some twenty over, before you come unto the continent; and in this enclosed sea are above a hundred islands of different bignesses, whereof one is sixteen miles long. . . .

[After remaining in this new country about six weeks making discoveries, and establishing friendship with the natives, these explorers, highly delighted, set sail for England accompanied by two Indians, Wanchese and Manteo, and arrived at home about the middle of September.]

## THE VOYAGE

made by

SIR RICHARD GREENVILLE

for

SIR WALTER RALEGH

to

VIRGINIA

in the year 1585

## Extracts

1585,  
Greenville's  
Narrative,  
Hakluyt,  
III, 307

The ninth day of April 1585, we departed from Plymouth, our fleet consisting of the number of seven sails; the Tiger, the Roebuck, etc.

The 23d of June we were in great danger of a wreck on a breach called the Cape of Fear. The 24th we came to anchor in a harbor; the 26th we came to anchor at Wocokon. The 29th we weighed anchor to bring the Tiger into harbor, where through the unskillfullness of the master whose name was Fernando, the Admiral struck on ground and sunk. The 3d day of July we sent word of our arrival at Wocokon to Wingina at Roanoak.

The 6th, Master John Arundall was sent to the main and Manteo with him; and Captain Autry and Captain Boniton the same day were sent to Croatoan, where they found two of our men left there with thirty others by Captain Raymond twenty days before. The 8th Captain Autry and Captain Boniton returned with two of our men, found by them, to us at Wocokon.

The 11th day, the General accompanied by divers gentlemen in

32 men at  
Croatoan  
20 days





1585

the tilt boat; Master Lane with twenty others in the new pinnace; Captain Amadas with ten others in a ship-boat, and Francis Brook and John White in another ship boat, passed over the water from Wocokon to the mainland, victualled for eight days; in which voyage we first discovered the towns Pomeiok, Aquascogok and Secotan; and also the great lake called by the savages Paquique.

On the 12th, we came to Pomeiok: the 13th we passed by water to Aquascogok: the 15th we came to Secotan: the 16th we returned thence, and one of our boats with the Admiral was sent to Aquascogok to demand a silver cup, which one of the savages had stolen from us, and not receiving it according to his promise, we burned and spoiled their corn, all the people being fled.

The 18th, we returned from the discovery of Secotan, and the same day came aboard our fleet riding at Wocokon.

The 21st, our fleet anchoring at Wocokon, we weighed anchor for Hatorask.

The 27th, our fleet anchored at Hatorask and there we rested.

The 29th, Granganimeo, brother to Wingina, came aboard the Admiral and Manteo with him.

The 2d of August the Admiral was sent to Weapomeiok.

The 5th Master Arundell was sent for England.

The 25th our General weighed anchor and set sail for England, leaving one hundred and seven men under the government of Master Ralph Lane.

#### AN ACCOUNT

Of The Particulars Of The Employments Of

THE ENGLISHMEN

Left in Virginia by

RICHARD GRANVILLE,

Under the Charge of

MASTER RALPH LANE,

General of the Same;

From the 17th of August, 1585, until the 18th of June, 1586,

At Which Time They Departed the Country.

Sent and Directed to

SIR WALTER RALEGH.



1585

1585.  
Jame's  
Account,  
Hakluyt,  
III, 311

First, therefore, touching the peculiarities of the country, you shall understand that our discovery of the same has been extended from Roanoak (the same having been the place of our settlement or inhabitation) into the South, into the North, into the Northwest and into the West.

The uttermost place to the southward of any, Secotan, being from estimation four score miles distant from Roanoak. The passage from thence was through a broad sound within the main, the same being without kenning land and yet full of flats and shoals.

To the Northward our farthest discovery was to the Chesipeans, distant from the Roanoak about one hundred and thirty miles; the passage to it was very shallow and most dangerous. . . .

There be sundry Kings whom they call Weroances, and countries of great fertility, as the Mandoages, Tripanicks and Opossians, which all came to visit the Colony of the English, which I had for a time appointed to be residents there.

To the Northwest, the farthest place of our discovery, was to Chawanook, distant from Roanoak of about one hundred and thirty miles. Our passage thither lay through a broad sound, but all fresh water; and the channel of great depth. The towns about the water's side, situated by the way, are the following: Passaquenoke, "the woman's town," Chepanoc, Weapomeiok, Muscamunge, and Metackwem, all those being under the jurisdiction of the King of Weapomeiok, called Okisco. From Muscamunge, we entered into the river and the jurisdiction of Chawanook; there the river begins to straighten until it comes to Chowanook and then groweth to be as narrow as the Thames between Westminster and Lambeth.

Between Muscamunge and Chowanook, upon the left hand as we pass thither, is a goodly highland, and there is a town which we call the blind town, but the Savages call it Ohanoak. It has a very goodly cornfield belonging to it. It is subject to Chowanook. Chowanook itself is the greatest province and seignory lying upon that river, and the very town itself is able to put seven hundred fighting men into the field, besides the forces of the province itself. The King of the said province is called Menatonon. In March 1586, amongst other things he told me that going a three days' journey in a canoe, and then descending to the land, you are within four days' journey to pass over land Northeast to a certain King's country whose province lays upon the Sea. . . . Very near (Chowanook) directly from the West runs a most notable river, and in all these parts most famous, called the river Moratoc. This river opens into the broad sound of Weapomeiok; and whereas the river Chowanook, and all the other sounds and bays, salt and fresh, show no current in the world in calm weather, but are moved alto-

1586



rather with the wind, this river of Moratoc has so violent a current from the West and Southwest, that it made one almost of opinion that with oars it would scarcely be navigable.

On the 8th day of June came advertisement to me from Captain Stafford, lying at my Lord Admiral's Island, that he had discovered a great fleet of three and twenty sails, but whether they were friends or foes, he could not yet discern. He advised me to stand upon as good guard as I could. The 9th of the same month he himself came unto me, having that night before and that same day travelled by land twenty miles. He brought me a letter from the General, Sir Francis Drake. The tenth day he arrived in the road of our bad harbor; and coming there to anchor on the eleventh day, I came to him.

[The above account was written by Lane. On the 19th of June, 1586, the whole colony embarked in the fleet of Sir Francis Drake and arrived in Portsmouth on the 27th of July. Among the colonists was Thomas Hariot, who wrote and published an extended account of the natural productions of Virginia, and of the nature and manners of the people inhabiting there. Philip Amadas was Deputy governor and admiral of the country. Thomas Cavendish was also one of the colonists. Extracts from Drake's narrative follow.]

#### Drake's narrative, 1586

The 9th of June, upon sight of one special great fire (which are very ordinary all along this Coast even from the Cape of Florida hither) the General sent his skiff to the shore where they found some of our English countrymen. (that had been sent thither the year before by Sir Walter Raleigh) and brought one aboard, by whose direction we proceeded along to the place which they make their port. But some of our ships being of great draught, unable to enter, we anchored all without the harbor in a wild road at Sea, about two miles from the shore. From whence the General wrote letters to Master Ralph Lane, being Governor of those English in Virginia and then at his fort, about six leagues from the road, in an island which they call Roanoak: wherein especially he showed how ready he was to supply his necessities and wants which he understood of, by those he had first talked withall.

1586,  
Drake's  
Narrative,  
Hawks'  
Hist. of  
North  
Carolina, I,  
139

The morrow after, Master Lane himself and some of his Company coming unto him, with the consent of his Captains, he gave him the choice of two offers, that is to say: either he would leave his ship, pinnace and certain boats, with sufficient masters and mariners, together furnished with a month's victual, to stay and make





1586

further discovery of the country and coasts, and so much victual likewise that might be sufficient for the bringing of them all (being one hundred and three persons) into England, if they thought good after such time, with any other thing they would desire, or that he might be able to spare; or else, if they had made sufficient discovery already, and did desire to return unto England, he would give them passage. But they, as it seemed, being desirous to stay, accepted very thankfully and with great gladness, that which was offered first. Whereupon the ship being appointed and received into charge by some of their own company sent into her by Master Lane, before they had received from the rest of the fleet the provision appointed them, there arose a great storm (which they said was extraordinary and very strange) that lasted three days together, and put all our fleet in great danger to be driven from their anchoring upon the coast. For we broke many cables and lost many anchors: and some of our fleet which had lost all (of which number was the ship appointed for Master Lane and his Company) was driven to put to Sea in great danger, in avoiding the coast and could never see us again until we met in England. Many also of our small pinnaces and boats were lost in this storm. Notwithstanding all this, the Generall offered them (with consent of his Captains) another ship, with some provisions, although not such a one for their turns as might have been spared before, this being unable to be brought into their harbor.

Or else, if they would, to give them passage into England, although he knew he should perform it with greater difficulty than he might have done before.

[A few days after their departure Sir Richard Grenville with his relief ships arrived, but finding the colony gone, left fifteen men in the fort to hold possession.]

#### THE FOURTH VOYAGE

Made to

VIRGINIA,

With Three Ships, In The Year

1587.

Wherein was Transported the Second Colony.



## Extracts from White's narrative

1587

[This is an account of the arrival in Virginia of the Lost Colony.]

In the year of Our Lord 1587, Sir Walter Raleigh, intending to persevere in the planting of his country of Virginia, prepared a new Colony of one hundred and fifty men to be sent thither, under the charge of John White, whom he appointed Governor, and also appointed under him twelve Assistants, unto whom he gave a charter, and incorporated them by the name of Governor and Assistants of the "Citie of Raleigh in Virginia."

1587,  
White's  
Narrative,  
Hakluyt,  
III, 349

Our fleet being in number three sailes, namely, the Admiral (the Lion), a ship of one hundred and twenty tons, a fly-boat, and a pinnace, departed the six and twentieth of April from Portsmouth. The eighth of May, we weighed anchor at Plymouth and departed for Virginia. The sixteenth, Simon Ferdinando, Master of our Admiral, lewdly forsook our fly-boat, leaving her distressed in the bay of Portugal. . . . About the sixteenth of July we fell in with the main of Virginia, which Simon Ferdinando took to be the Island of Croatoan, where we came to anchor, and rode there two or three days; but finding himself to be deceived, he weighed and bare along the coast, where in the night, had not Captain Stafford\* been more careful in looking out than our Simon Ferdinando, we had been all cast away upon the breach, called the Cape of Fear; for we were come within two cables length upon it; such was the carelessness and ignorance of our Master. The two and twentieth of July we arrived safe at Hatorask, where our ship and pinnace anchored; the Governor went aboard the pinnace, accompanied with forty of his best men, intending to pass up to Roanoke forthwith, hoping there to find those fifteen Englishmen, whom Richard Greenville had left there the year before, with whom he meant to have some conference concerning the state of the country and savages, meaning after he had done so to return again to the fleet, and pass along the coast to the bay of Chesepioke, where we intended to make our seat and fort, according to the charge given us, among other directions in writing, under the hand of Sir Walter Raleigh; but as soon as we were put with our pinnace from the ship, a gentleman by the means of Ferdinando, who was appointed to return for England, called to the sailors in the pinnace, charging them not to bring any of the planters back again, but to leave them in the island, except the Governor and two or three others as he approved; saying that the Summer was far spent, wherefore he would land all the planters in no other place. Unto this were all the sailors

\*In the pinnace.



1587

both in the pinnace and ship persuaded by the Master, wherefore it booted not the Governor to contend with them, but passed to Roanoke, and the same night at sunset went aland on the island, in the place where our fifteen men were left, but we found none of them nor any sign that they had been there, saving only we found the bones of one of those fifteen, which the savages had slain long before. . . . The same day order was given that every man should be employed for the repairing of those houses which we found standing, and also to make other new cottages for such as should need.

The 25th, our fly-boat and the rest of our planters arrived all safe at Hatorask, to the great joy and comfort of the whole company.

. . . The eighth and twentieth George Howe, one of our twelve Assistants, was slain by divers savages, which were come over to Roanoak, either of purpose to espy our company, and what number we were, or else to hunt deer, whereof were many in the island. . . . On the thirtieth of July, Master Stafford and twenty of our men passed by water to the Island of Croatoan with Manteo, who had his mother and many of his kindred dwelling in that island, of whom we hoped to understand some news of our fifteen men, but especially to learn the disposition of the people of the country towards us, and to renew our old friendship with them. . . . We also understood of the men of Croatoan that our man, Master Howe, was slain by the remnant of Wingina's men, dwelling then at Dasamonquepeuc, with whom Wanchese kept company; and also we understood by them of Croatoan, how that the fifteen Englishmen left at Roanoak the year before, by Sir Richard Greenville, were suddenly set upon by thirty of the men of Secota, Aquoscogoc, and Dasamonquepeuc. . . .

The 13th of August, our savage Manteo, by the commandment of Sir Walter Raleigh, was christened in Roanoak, and called Lord thereof and of Dasamonquepeuc, in reward of his faithful service.

The 18th [of August] Eleanor, daughter to the Governor, and wife to Ananias Dare, one of the Assistants, was delivered of a daughter in Roanoak, and the same was christened there the Sunday following, and because this child was the first Christian born in Virginia, she was named Virginia. By this time our ships had, unladed the goods and victuals of the planters, and began to take in wood and fresh water, and to new caulk and trim them for England; the planters also prepared their letters and tokens to send back into England. . . . At this time some controversies arose between the Governor and Assistants about choosing two out of the twelve Assistants, which should go back as factors of the company into England: the next day, the 22d of August, the whole company, both of the Assistants and planters, came to the Governor, and with

Manteo  
christened  
Aug. 13,  
1587

Virginia  
Dare, born  
August  
18, 1587





his voice requested him to return himself into England for the better and sooner of obtaining supplies and other necessaries for them; but he refused it, and alledged many sufficient causes why he would not. . . . Also he alledged, that seeing they intended to remove fifty miles further up into the main presently, he being then absent, his stuff and goods might be both spoiled, and most of them pilfered away in the carriage. . . .

1587

To remove  
fifty miles  
in the  
interior

[Eventually White was persuaded to return to England. On the seventh and twentieth of August the admiral and the fly-boat weighed anchor and set sail for England, where they arrived in November. The pinnace remained in the sound.] 27 Aug., 1587

The names of all the men, women and children which safely arrived in Virginia and remained to inhabit there 1587.

|                    |                  |                  |                       |
|--------------------|------------------|------------------|-----------------------|
| John White         | John Bright      | Hugh Pattenson   | White's<br>Narrative  |
| Roger Bailey       | William Dutton   | Martin Sutton    |                       |
| Ananias Dare       | Maurice Allen    | John Farre       |                       |
| Chrystopher Cooper | William Waters   | John Bridger     |                       |
| Thomas Stevens     | Richard Arthur   | Griffin Jones    |                       |
| John Sampson       | John Chapman     | Richard Shabedge |                       |
| Clement Taylor     | William Clement  | James Lasie      |                       |
| William Sole       | Robert Little    | John Cheven      |                       |
| John Cotsmur       | Hugh Tayler      | Thomas Hewet     |                       |
| Humphrey Newton    | Hugh Wildye      | William Berde    |                       |
| Thomas Colman      | Lewes Wotton     | Henry Brown      |                       |
| Thomas Gramme      | Michael Bishop   | Richard Tompkins |                       |
| Thomas Butler      | Henry Rufoote    | Charles Florrie  |                       |
| Edward Powell      | Henry Dorrell    | Henry Payne      |                       |
| John Burdon        | Henry Mylton     | William Nichols  | Names of<br>colonists |
| James Hinde        | Thomas Harris    | John Borden      |                       |
| Thomas Ellis       | Thomas Phevens   | Michael Myllet   |                       |
| William Browne     | Mark Bennett     | Thomas Smith     |                       |
| Thomas Harvie      | John Gibbes      | Richard Kempe    |                       |
| Roger Pratt        | John Stillman    | Thomas Harris    |                       |
| George Howe        | Robert Wilkinson | Richard Taverner |                       |
| Simon Fernando     | John Tydway      | John Earnest     |                       |
| Nicholas Johnson   | Ambrose Viccars  | Henry Johnson    |                       |
| Thomas Warner      | Edmund English   | John Starte      |                       |
| Anthony Cage       | Thomas Topan     | Richard Darige   |                       |
| John Jones         | Henry Berry      | William Lucas    |                       |
| William Wiles      | Richard Berry    | Arnold Archand   |                       |
| John Brooke        | John Spendlove   | John Wright      |                       |
| Guthbert White     | John Hemington   | Thomas Scott     |                       |



1597

|                 |                   |                       |
|-----------------|-------------------|-----------------------|
| John Wyles      | Alice Chapman     | Thomas Smart          |
| George Martyn   | Emma Merimoth     | George Howe           |
| Peter Little    | — Colman          | John Pratt            |
| Bryan Wyles     | Margaret Lawrence | William Wythers       |
|                 | Joan Warren       |                       |
| Women           | Jane Mannering    | Children born in Vir- |
| Eleanor Dare    | Rose Payne        | ginia                 |
| Margery Harvie  | Elizabeth Viccars | Virginia Dare         |
| Agnes Wood      |                   | — Harvie              |
| Winifred Powell | Boys and Children |                       |
| Joyce Archard   | John Sampson      | Savages that were in  |
| Jane Jones      | Robert Ellis      | England, and re-      |
| Elizabeth Glane | Ambrose Viccars   | turned home to        |
| Jane Pierce     | Robert Archard    | Virginia with them    |
| Audry Tappan    | Thomas Humphrey   | Manteo Towaye         |

[Although this list purports to embrace the names of those who remained in Virginia, yet John White and Simon Ferdinando returned to England, and George Howe was murdered before White's departure. Neither physician nor minister is mentioned as such, yet doubtless this colony was accompanied by a minister, as Manteo and Virginia Dare were "christened."]

## THE FIFTH VOYAGE

of

M. JOHN WHITE

into the

WEST INDIES

and parts of America called

VIRGINIA

in the Year 1591

[This narrative was communicated to Hakluyt in February, 1593, and printed by him in 1598.]

On the 20th of March, the three ships, Hopewell, the John Evangelist and the Little John put to Sea from Plymouth with two small shallops. . . .

The third of August, we stood again in for the shore, and at midday we took the height of the same. The height of that place



we found to be 34 degrees of latitude. Towards night we were within three leagues of the low sandy islands of Wokokon.

1591

On Monday, the 9th of August, the storm ceased and we had very great likelihood of fair weather. Therefore we stood in again for the shore, and came to anchor at eleven fathoms in 35 degrees of latitude, within a mile of the shore, when we went on land on the narrow sandy island, being one of the islands west of Wokokon. Between the main, as we supposed, and that island, it was but a mile over, and three or four feet deep in most places. On the 12th in the morning we departed from thence, and towards night we came to anchor at the Northeast end of the island of Croatoan, by reason of a breach which we perceived to be out two or three leagues into the Sea: here we rode all that night. This breach is in 35½\* degrees and it lays at the very Northeast point of Croatoan where goes a part out of the main Sea into the inner waters, which part the island from the main land.

Aug., 1591.  
White's  
Narrative,  
Hakluyt,  
III, 350

The 15th of August, towards evening we came to an anchor at Hattorask in 36½ degrees, in five fathoms of water, three leagues† from the shore. At our first coming to anchor on this shore we saw a great smoke rise in the Isle Roanoak, near the place where I left our Colony in the year 1587, which smoke put me in good hopes that some of the Colony were there expecting my return out of England.

The 16th and next morning, our two boats went ashore and Captain Cooke and Captain Spicer and their Company with me, with intent to pass to the place at Roanoak, where our countrymen were left. . . . But before we were half way between our ship and the shore, we saw another great smoke to the Southwest of Kindrick's Mounts: we therefore thought good to go to that second smoke first. But that which grieved me more, was that when we came to that smoke, we found no man, nor sign that any had been there lately, nor yet any fresh water in all this way to drink.

Being thus wearied with this journey, we returned to the harbor where we left our boats, who in our absence had brought their casks ashore for fresh water. So we deferred our journey to Roanoak till next morning, and caused some of those Sailors to dig in the sand hills for fresh water, whereof we found very sufficient. That night we returned aboard with our boats and our whole Company in safety. The next morning it was 10 o'clock aforenoon before we put from our ships, which were then come to an anchor within two miles of the shore. The Admiral's boat first passed the breach but not without some danger of sinking. For at this

\*Really about 35°.

†Nine miles.





1591

time the wind blew at Northeast and direct into the harbor so great a gale that the Sea broke extremely on the bar and the tide went very forcibly at the entrance. Captain Spicer came to the entrance of the breach with his mast standing up and was half passed over, but by the rash and indiscreet steerage of Ralph Skinner, his master's mate, a very dangerous sea broke into their boat and overset them quite. There were eleven in all; seven of the chiefest were drowned; among them, Captain Spicer and Ralph Skinner. . . . Our boats and all things filled again, we put off from Hattorask, being the number of nineteen persons in both boats. But before we could get to the place where our planters were left, it was so exceedingly dark that we overshot the place a quarter of a mile, where we espied towards the North end of the island, the light of a great fire through the woods, to the which we presently rowed. When we came right over against it, we let fall our grapnel near the shore, and sounded with a trumpet a call, and afterwards many familiar English tunes of songs, and called to them friendly; but we had no answer. We therefore landed at daybreak, and coming to the fire, we found the grass and sundry rotten trees burning about the place. From thence, we went through the woods to that part of the island directly over against Dasamonquepeuc; and from thence we returned by the water side, round about the North point of the island until we came to the place where I left our Colony in the year 1586. In all this way, we saw in the sand the print of the Savages' feet of two or three sorts trodden in the night; and as we entered upon the sandy banks, upon a tree, in the very brow thereof, were curiously carved these fair Roman letters, "C. R. O." which letters presently we knew to signify the place where I should find the planters seated, according to a secret token agreed upon between them and me at my last departure from them; which was that in any way they should not fail to write or carve on a tree or posts of the doors the name of the place where they should be seated; for at my coming away, they were prepared to remove from Roanoak fifty miles into the main.

Fair Roman  
letters,  
"C. R. O."

Therefore at my departure from them in Anno 1587, I willed them that if they should happen to be distressed in any of those places, that then they should carve over the letters or name a + in this form. But we found no such sign of distress. And having well considered of this, we passed toward the place where they were left in sundry houses; but we found the houses taken down and the place very strongly enclosed, with a high palisade of great trees, with curtains and flankers very fort-like; and one of the chief trees or posts at the right side of the entrance had the bark taken off and five feet from the ground in fair capital letters was graven "Croatoan,"

"Croatoan"



without any cross or sign of distress. This done, we entered into the palisade, where we found many bars of iron, two pigs of iron; four iron fowlers; iron locker shot, and such like heavy things, thrown here and there, almost overgrown with grass and weeds. From thence, we went along the water side, towards the point of the Creek, to see if we could find any of their boats or pinnaces, but we could perceive no sign of them nor any of the last falcons or small ordnance which were left with them at my departure from them.

At our return from the Creek, some of our sailors meeting us, told us that they had found where divers chests had been hidden, and long sithence digged up again and broken up, and much of the goods spoiled and scattered about, but nothing left of such things as the Savages knew any use of undefaced. Presently Captain Cooke and I went to the place, which was in the end of our old trench made two years past by Captain Amadas—where we found five chests that had been carefully hidden of the planters, and of the same chests three were my own: and about the place many of my things spoiled and broken, and my books torn from the covers, the frames of some of my pictures and maps rotten and spoiled with rain, and my armour almost eaten through with rust. This could be no other than the deed of the Savages, our enemies at Desamonquepeuc, who had watched the departure of our men to Croatoan, and as soon as they were departed, digged by every place where they suspected anything to be buried, but although it much grieved me to see such sport of my goods, yet on the other side, I greatly joyed that I had surely found a certain token of their safe being at Croatoan, which is the place where Manteo was born and the Savages of the island our friends.

When we had seen so much of this place as we could, we returned to our boats, and departed from the shore towards our ships with as much speed as we could, for the weather began to be overcast and very likely that a foul and stormy night would ensue. Therefore, the same evening, with much danger and labor, we got ourselves aboard. . . .

The next morning it was agreed by the Captain and myself with the master and others, to weigh anchor and go for the place at Croatoan where our planters were, for that then the wind was good for that plan, and also to leave that cask with fresh water on shore on the island until our return. So then they brought the cable to the capstan, but when the anchor was almost apeak the cable broke, by means whereof we lost another anchor, wherewith we drove so fast unto the shore that we were forced to let fall a third anchor, which came so fast home that the ship was almost



1602

aground by Kenrick's Mounts; so that we were forced to let slip the cable end for end. And if it had not chanced that we had fallen into a channel of deeper water close by the shore than we accounted of, we could never have gone clear of the point that lies to the Southward of Kenrick's Mounts.

Colonists  
abandoned

It was therefore determined that all should go for St. John or some other island to the Southward for fresh water. And it was further proposed that if we could any ways supply our wants of victuals and other necessities either at Hispaniola, St. John or Trinidad, that then we should continue in the Indies all winter following, with hope to make two rich voyages of one, and at our return, to visit our Countrymen at Virginia.

The Captain and the whole Company in the Admiral (with my earnest petitions) thereunto agreed, so it rested only to know what the master of the Moonlight, our consort, would do therein. But when we demanded them if they would accompany us in that new determination, they alledged that their weak and leaky ship was not able to continue it, wherefore the same night we parted, leaving the Moonlight to go directly to England, and the Admiral set his course for Trinidad, which course we kept for two days.

[Later they changed their course and went after the Spaniards, and after many adventures finally reached Plymouth October 24th.]

#### References to the colony, 1591-1709

Letter of Sir  
Walter  
Raleigh to  
Sir Robert  
Cecil

Whereas as I wrote unto yow in my last that I was goun to Weymouth to speak with a pinnes of mine arrived from Virginia, I found this bearer, Captayne Gilbert, ther also, who went on the same voyage. But myne fell 40 leaugs to the west of it, and this bearer as much to the east; so as neither of them spake with the peopell. But I do sende both the barks away agayne, having saved the charg in sarsephraze woode; but this bearer bringing sune 2200 waight to Hampton, his adventurers have taken away their parts and brought it to London. I do therefore humblie pray yow to deal withe my Lord Admirale for a letter to make seasure of all that which is come to London, either by his Lordship's octorette or by the Judge: because I have a patent that all shippes and goods are confiscate that shall trade their without my leve. And whereas Sassaphraze was worth 10s., 12s. and 20s. per pound before Gilbert returned, his cloying of the market, will overthrow all myne and his own also. He is contented to have all stayde: not only for this present; but being to go agayne, others will also go and destroy the trade, which otherwise would yield 8 or 10 for one, in certainty and a return in XX weeks. . . .

Aug. 21, 1602  
Edwards'  
Life of  
Raleigh,  
II, 251





I beseich yow, favor our right: and yow shall see what a prety,  
honorabell and sauf trade wee will make.

1613

Yours ever to serve yow.

W. RALEGH.

[William Strachey was secretary of the colony of Virginia, and his "Historie of Travaille into Virginia Britannia" was apparently written after the colony had been seated at Jamestown six years—in 1613.]

The men, women and children of the first plantation at Roanoke were by practize and commandment of Powhatan (he himself persuaded thereunto by his priests) miserably slaughtered, without any offense given him, either by the first planted (who twenty and od years had peaceably lyved intermyxed with those Savages and were out of his territory) or by those who nowe are come to inhabit some parte of his desarte lands.

1613.  
William  
Strachey's  
Travaille  
is to  
Virginia, 85

Southward they [Newport's exploring party] went to some parts of Chowanook and the Mangoangs, to search there those left by Sir Walter Raleigh, which parts—to the towne of Chesepeak—hath formerly been discovered by Mr. Harriott and Sir Ralph Lane.

The high land is in all likelihoodes, a pleasant tract, and the mould fruitful, especially what may lye to the Southward, where at Peccarecamek and Ochanahoen by the relation of Machumps,\* the people have houses built with stone walls, and one story above another, so taught them by the English who escaped the slaughter at Roanoke, at which time this our Colony, under the conduct of Captain Newport, landed within the Chesepeake Bay, where the people breed up tame turkeys about their houses, and take apes in the mountains, and where at Ritanoe the Weroance Eyanoco perserved seven of the English alive, four men, and two boys and one younge mayde (who escaped and fled up the river of Choanook) to beat his copper, etc.

Strachey, 26

[Powhatan] seems to command south and north from the Mangoangs and Chowanoaks, bordering upon Roanoke and the old Virginia, a town pallisadode standing at the north end of the bay.

Strachey, 48

He doth often send unto us to temporize with us, awaiting perhaps a fit opportunity (inflamed by his furious and bloody priests) to offer us a taste of the same cup which he made our poor countrymen drink of at Roanoke.

[In "The True and Sincere Declaration" made by the governor and councillors of the Jamestown settlement in December, 1609—they speak of having] intelligence of some of our nation planted by Sir Walter Raleigh, yet alive, within fifty miles of our fort, who

1609.  
The True  
and Sincere  
Declaration

\*An Indian of Powhatan's tribe who had been to England.



1608

Brown's  
Genesis,  
I, 349

can open the womb and bowels of this country; as is testified by two of our Colony sent out to seek them, who (though denied by the savages speech with them) found Crosses and Letters, the Characters and assured Testimonies of Christians, newly cut in the barks of trees.

[The discovery of these characters recently cut in the barks of trees at that time locates some of Raleigh's colony within fifty miles of Jamestown in 1608. The narrative continues:]

What he knew of the Dominions, he spared not to acquaint me with, as of certain men clothed at a place called Ochanahonan, clothed like me.

[And again:] We had agreed with the King of Paspehegh to conduct two of our men to a place called Panawicke, beyond Roanoke where he reported many men to be apparelled. We landed him at Warraskoyack, where playing the villain and deluding us for reward, returned within three or four days after, without going further.

Smith's  
True  
Relation.

[Smith sent from Warraskoyack, Master Scittemore and two guides to seek for the Lost Colony of Sir Walter Raleigh.

Brown's  
Genesis,  
I, 124  
February,  
1608

Alexander Brown has found and embodied in his work a rude drawing sent by Francis Nelson from Virginia in 1608 to illustrate Smith's "True Relation," and the same year sent to Spain from London.

On this map, on the Chowan, or on the Nottoway, falling into the Chowan River, Ochanahonan is placed; and on the Tar, or upper Pamlico River, "Pakrakanick" is located; and near it is a legend: "Here remayneth 4 men clothed that came from Roanoak to Ochanahonan." Between the Chowan and the Moratoc (Roanoke River) on this map is a legend: "Here the King of Paspehegh reported our men to be, and wants to go." And that region is marked "Pananiock."

December,  
1608

On the map, the point Warraskoyack, from which Master Scittemore and two guides started, and where Smith landed "the King of Paspehegh to conduct two of our men to a place called Panawicke, beyond Roanoke," is on a stream that probably is intended to represent Nansemond River.

This map was drawn on the relation of some Indian. The Indians of the James River had no connection with those farther south. Powhatan's jurisdiction did not extend over the Chowanists or the Mongoaks. The Indian who gave the information on which the drawing was based probably had but little familiarity with the localities, knowing about the rivers but nothing of the coast. He knew that the first river was the Chowan and its tributaries; that the next was the Moratoc, and that farther on there was a third—the Tar. He probably knew nothing of the sounds. He placed the chief town of the Chowan Indians on the northeast side of the Chowan River, and Ochanahonan on the other side. It seems to the author of this work that Ochanahonan is probably the town called by Lane Ohanoak. On DeBry's map this town is placed above the town of Chowanoak, but in Lane's narrative it is located below that town.



The Indian account places Pananiock, where White's colony settled, between the Moratoc and the Chowan rivers, but as the Indian was probably not acquainted with the waters of the sound, and only knew that the Moratoc discharged itself some distance below the Chowan, he inaccurately indicates that both emptied into the ocean. In that he was mistaken; but he probably was correct in locating the settlement north of the Moratoc River. It was between the mouth of the Moratoc and the Chowan that Lane observed the "goodly highlands," and that location being substantially "fifty miles in the interior" from Roanoke Island, it is there we would expect to find the place of permanent settlement. And it is there that the Indian relation places it.

After the massacre, "four men and two boys and one young mayde" escaped and fled up the river of Chowanoak, and were preserved by the Weroance at Ritanoë. This flight could have been readily made from a point north of the Moratoc River. It is also stated that four men came to Ochanahonan. If there were still other fugitives than those preserved at Ritanoë, their journey through the woods would also indicate that Pananiock was on the north of the Moratoc.]

1683

### Lawson's suggestions

The first discovery and settlement of this country was by the procurement of Sir Walter Raleigh, in conjunction with some public spirited gentlemen of that age, under the protection of Queen Elizabeth; for which reason it was then named Virginia, which begun on that part called Roanoke Island, where the ruins of a fort are to be seen at this day as well as some old English coins which have been lately found, and a brass gun, a powder horn and one small quarter-deck gun made of iron staves, which method of making guns might very probably be made use of in those days for the convenience of infant colonies.

Lawson's  
History of  
North Caro-  
lina, 108

1709

A further confirmation of this we have from the Hatteras Indians who either then lived on Roanoke Island or much frequented it. These tell us that several of their ancestors were white people and could talk in a book as we do: the truth of which is confirmed by gray eyes being found frequently amongst these Indians and no others.

They value themselves extremely for their affinity to the English and are ready to do them all friendly offices. It is probable that this settlement miscarried for want of timely supplies from England, or through the treachery of the natives: for we may reasonably suppose that the English were forced to cohabit with them for relief and conversation: and that in process of time, they conformed themselves to the manners of their Indian relations: and thus we see how apt human nature is to degenerate.





1585

### The Hatteras Indians

1759

C. R., VI,  
995The  
Croatoans

1754

C. R., V,  
161

[The Hatteras Indians in 1585 were not under the same government as the savages on the mainland. They were a different tribe; and they were so few in numbers and so poor that when Lane was making a counterplot against Pemisapan and pretended that he was going to make a journey to Croatoan, he asked to be furnished with men to hunt for him while there, and with four days' provisions to last during his stay. No subsistence could be gotten from the Croatoans. A century later, in Lawson's time, that tribe had but sixteen fighting men, and even if all of these had a strain of English blood in them, their white ancestors might have been but a very small fraction of the English colonists. The tribe was still further reduced during the Indian War of 1711-15, when it adhered to the English. It lingered about its old home, suffering the fate of other small tribes, gradually becoming extinct. In 1763 some of the Hatteras and Mattamuskeet Indians were still living on the coast of Hyde, where a reservation had been set apart for them. Because names borne by some of the colonists have been found among a mixed race in Robeson County, now called Croatoans, an inference has been drawn that there was some connection between them. It is highly improbable that English names would have been preserved among a tribe of savages beyond the second generation, there being no communication except with other savages. If English names had existed among the Hatteras Indians in Lawson's time, he probably would have mentioned it as additional evidence corroborating his suggestion deduced from some of them having gray eyes, and from their valuing themselves on their affinity to the English. It is also to be observed that nowhere among the Indians were found houses or tilled lands or other evidences of improvement on the customs and manners of the aborigines. When this mixed race was first observed by the early settlers of the upper Cape Fear, about 1735, it is said that they spoke English, cultivated land, lived in substantial houses, and otherwise practised the arts of civilized life, being in these respects different from any Indian tribe. In 1754 they were described as being on "Drowning Creek, on the head of Little Peedee, fifty families, a mixed crew, a lawless people, possessed the lands without patent or paying quit rents; shot a surveyor for coming to view vacant lands, being enclosed in great swamps." From that time to the present these people have remained in their settlement on Drowning Creek. It is worthy of remark that in 1754 they were not considered Indians, for the military officers of Bladen County particularly reported that there were no Indians in that county. Whatever may have been their origin and the origin of their English names, neither their names



nor their English manners and customs could have been perpetuated from the time of the Lost Colony without exciting some remark on the part of explorers, or historians. Apparently that community came into being at a later date. Yet it is to be observed that many persons believe them to be the descendants of the Lost Colony; and the Legislature has officially designated them as "Croatan," and has treated them as Indians.\*]

1585

\*The subject of the connection of these Croatans with the colonists has been ably discussed by Mr. Hamilton McMillan and by Dr. Stephen B. Weeks, who maintain that view with much plausibility.



## CHAPTER II

### EXPLORATIONS, 1584

England claims rights in America.—Sir Humphrey Gilbert.—Walter Raleigh's charter.—The landing of Amadas and Barlow.—The spot uncertain.—The savages kindly.—Explorations.—Fortunate return.—The new land named Virginia.—Conditions in America.

#### England claims rights in America

1486  
—

Six years before the discovery of America the Portuguese, the most adventurous sailors of that age, had already explored the coast of Africa and had turned the Cape of Good Hope in their search for a route to the Indies. The fortunate issue of the expedition undertaken by Columbus under the patronage of Ferdinand and Isabella gave to Spain a claim to the New World and opened a door for a serious clashing of interest between those two faithful supporters of the Catholic religion; and to settle their differences and to establish their respective rights of dominion, Pope Alexander VI in 1493 issued a papal bull dividing the undiscovered regions of the earth between them. Drawing an arbitrary line on the map of the world running a hundred leagues west of the Azore Islands, he apportioned to Portugal all to the east of it and, depriving Spain of any interest in Africa, allotted to that country the whole of the New World "west and south of Spain." And by a treaty, the next year, this line was fixed three hundred and seventy leagues west of the Cape Verde Islands.

Alexander's  
Bull

Cabot

England, however, did not recognize that arbitration as binding upon her and claimed the Atlantic coast of America, by virtue of the discoveries of the Cabots, who, in 1497, had coasted along it from Labrador to Florida. From that time onward there were occasional movements made by English navigators for exploration, trade, and even colonization, that, however, had no practical result. Although among the great fleet of vessels that were employed in the Newfound-





land fisheries there were generally to be found fifty or more bearing the English flag, it was not until Elizabeth's time that an attempt was made at English colonization. During her reign England made a marvellous advance in wealth, in manufactures and in population; and a spirit of enterprise was manifested by her merchants no less than among those bold soldiers and seamen who sought fame and fortune in battling against the Catholic Spaniards on land, and despoiling their richly laden vessels on the sea.

One of the most notable of the enterprising heroes who made her reign illustrious was Sir Humphrey Gilbert, whose great capacity and services had been rewarded by his appointment as lord lieutenant of Ireland.

But he had other claims to royal favor. Her lustful father having beheaded her mother, and having cast her off in infancy as illegitimate, Elizabeth, the queen, while having slight regard for her father's kin, stood loyally to her mother's. In her girlhood days she had fallen to the care of Mrs. Catherine Ashley, a connection on her mother's side, to whom she declared that she owed more for kindness and preservation than she could have done to her own mother. And this woman, for whom the queen cherished such warm gratitude, was the aunt of Sir Humphrey Gilbert. So beyond his undoubted ability and merit there was an influence favorable to him at court. In June, 1578, Sir Humphrey sought and obtained from the queen a patent to explore and settle any part of the New World not already occupied by a Christian prince, and to possess it for himself and his heirs, with power and dominion over the same—a right royal grant to any subject of the realm. He associated with himself in this enterprise his younger half brother, Walter Raleigh, and in June, 1583, sailed from England with five vessels and landed in Newfoundland. Raleigh, however, did not accompany him, but wrote to him just previous to his departure expressing the queen's great interest in the enterprise. "I have sent you," he wrote, "a token from her Majesty, an ancor guided by a lady, as you see; and farther, her Highness willed me to sende you worde that she wished you as great good-hap and safety to your ship, as if herself were ther in parson, desiring you to have care of your sealf,

1583

Gilbert

1578

1583



1583

as that which she tendereth; and therefore for her sake, you must provide for it accordingly. Farther, she commandeth that you leve your picture with me."

Surely Gilbert stood well with the woman his aunt had reared, she "desiring him to have care of himself, as of that which she tendereth." But Elizabeth's fears were prophecies. That barren, frozen, inhospitable shore was not favorable for colonization, and the vessel that bore the intrepid navigator, overwhelmed in a fearful tempest, went down at sea, and the brave Sir Humphrey perished.

Raleigh

But even that great misfortune did not dismay the enterprising spirit of Raleigh. As a young man, a volunteer soldier of fortune, he had fought in the ranks of Protestantism against the French and Spanish legions of intolerant Catholicism. For some years he had served in the Irish War, where he had displayed heroism and bravery, and had also led his band and had put to the sword six hundred Spanish and Italian troops, after surrender, in Smerwick Bay; a bloody butchery. Appearing at court as bearer of despatches, his pronounced views as to the thoroughness with which a war of extermination should be waged accorded so well with Elizabeth's own policy that she called him her "Oracle." A month later the command of a band of footmen in Ireland became vacant, and the queen, in April, 1582, issued her command to the general-in-chief: "But chiefly that Our Pleasure is to have Our servant, Walter Rawley, trained sometime longer in that Our realm for his better experience in martial affairs, and for the especial care that We have to do him good, in respect of his kindred, that has served Us, some of them (as you know) near about Our person, these are to require you that the leading of the said band may be committed to the said Rawley; and for that he is for some considerations by Us excused to stay here, Our pleasure is that the said band be, in the meantime, until he repair into that Our realm, delivered to some such as he shall depute to be his Lieutenant there." That was the year before Sir Humphrey lost his life, Raleigh being kept at court under the eye of the queen, "for the especial care she had to do him good." But interested in this matter of colonization, he did not let it slumber.

Edwards'  
Life of  
Raleigh



The disastrous ending of his brother's attempt did not deter him. Although the queen made no such princely grant to any other than Kate Ashley's kin, Raleigh speedily obtained a new patent for himself; and at great expense he fitted out at London two barks to transport, as his guests, a goodly number of merchants, nobles and notable sailors, to discover an eligible location for a colony in the warmer latitudes bordering on Florida.\* Having sailed from the Thames, his vessels took their final departure from the west coast of England on April 27, 1584, and sought the shores of America by the southern route. Reaching the Canaries by May 10th, a month later they arrived at the West Indies, where they lingered a few days, and then entered the Gulf Stream on their northward course. On July 2d they found shoal water off Cape Fear; and then shortening sail, the captains, Amadas and Barlow, proceeded cautiously until, July 4th,† they arrived upon the coast.‡ Watching for a harbor and an entrance, they coasted along one hundred and twenty miles before they discovered one, but finally north of Cape Hatteras they discerned a breach and came to anchor at its mouth. With grateful hearts, the company assembled and piously returned solemn thanks for their safe arrival; and then they eagerly manned their boats and made their landing on the south side of the inlet. This first landing place of the English on the coast of Virginia was apparently at the mouth of Trinity Harbor, as depicted on the maps of the explorers, about twenty miles north of Roanoke Island, and well within what has since been known as Currituck Sound. It was forty miles north of Hattorask Inlet, which afterward became the roadstead of the colonists.

1584

The  
Landing,  
July 4, 1584,  
O.S.

\*Jean Ribault had published in London his account of "Terra Florida" in May, 1563, and on the dispersal of his colony later, the survivors having put to sea in a small boat were picked up by an English vessel and brought to England. (Brown's "Genesis.")

†By the reckoning then in use the longest day in the year fell on July 3d. This arrival on the coast was one day after the longest day of the year.

‡John Verazzani, a Florentine, sixty years before having sailed from Madeira, on January 17, 1524, "through the assistance of Heaven and the goodness of his ship, discovered a new land never before seen by any man, either ancient or modern." The point he reached was this immediate locality where Raleigh's captains first saw the land.





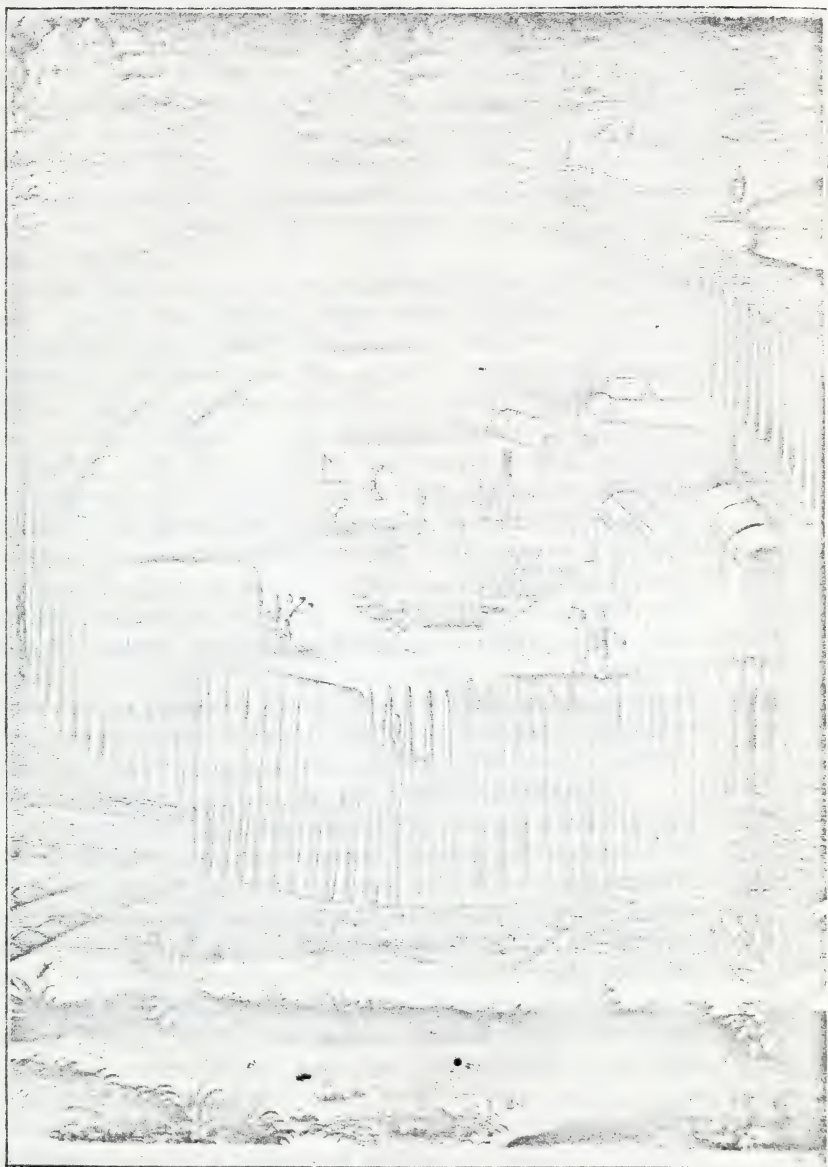
1584

On reaching the solid ground, amid great rejoicing and with ceremonial pomp, according to the custom of the times, they took possession of the land in right of their sovereign, the Queen of England, and formally delivered it over to the use of Walter Raleigh.

The ceremony of taking possession Amadas and Barlow deemed of such high importance that they made a record of the particular gentlemen and men of account who were present as witnesses of it, so that no question might be made of their queen's rightful title to the country. Being now in possession, and having the English flag waving over the soil of this new dominion, they proceeded to look about them and view the land. With wonder they noted the abundance of grapes that grew even on the sands of the beach, where the surge of the sea overflowed them; and in all places else; on the hills and in the plains, on every little shrub and climbing even up the branches of the high cedars. Then with hurried footsteps they passed from the seaside to the tops of the adjacent hills, and with amazement beheld the broad sea stretching away on both sides as far as the eye could reach. They found later that where they were was an island some six miles wide and about twenty long, a part of the sand banks that separated the sound from the sea. "After we had entered into the haven," wrote Barlow in his narrative of the exploration, "we saw before us another mighty long sea; for there lies along the coast a tract of island two hundred miles in length; and between these islands two or three entrances; these islands being very narrow, for the most part only six miles broad; then entering, there appeared another great sea, in breadth in some places forty and fifty miles and in some twenty miles before you come to the continent; and in this enclosed sea near a hundred islands, whereof one is sixteen miles long."

As yet all was solitude. The face of nature was unbroken by the hand of man. For two days they saw no evidences of human life; but on the third day after their arrival they discovered a boat in the sound containing three savages, who cautiously approached and held communication with them. These being favorably received, and delighted with the little presents given them, the next day forty or fifty





AN INDIAN VILLAGE  
(From the John White Drawings)



others visited the ships and exchanged commodities. It may be observed in passing that the aborigines of America were not generally called Indians by English writers until about the year 1600; at that time they were spoken of only as savages. But although so called, the natives were found to be gentle in their disposition and not unfriendly, and themselves copper-colored, their admiration was unbounded at the white skins of the strangers, their apparel and their great ships, while the thunder and lightning from their muskets filled them with awe.

A few days later Barlow proceeded in his boat to Roanoke Island, the distance being seven leagues, or about twenty miles, and visited Granganimeo, brother to the King Wingina, who lived with his wife in great state on that island. The country was called by the natives Wingandacoa; and on the mainland were Secotan, Newsiok, and other territories. For six weeks the explorers remained, making excursions in all directions. July and August are delightful months in those landlocked sounds, and all were charmed by the natural advantages of that region as a place for settlement. The beautiful flowers, the magnificent forests, the noble watercourses, the abundance of game, the new and valuable plants, possessing medicinal properties, all combined to make this summer land appear to be a glorious home for the proposed colony. And it must be remembered that the company on board the ships had been especially selected as men of experience for the purpose of ascertaining a desirable location for the English settlement.

At length, taking specimens of the natural products, the prized sassafras and the fragrant tobacco, and accompanied by two young Indian men, Manteo and Wanchese, Amadas and Barlow spread their sail and turned their prows homeward, reaching England safely about the middle of September. The happy return of the explorers caused much enthusiasm in England. Manteo and Wanchese excited widespread interest among all classes, while the accounts given by Amadas and Barlow and their companions of the new land they had found led many to look with longing eyes toward such an alluring country. Elizabeth, pleased at being mistress of so fair a realm, and gratified at Raleigh's success,





1584

conferred knighthood on him as a mark of her favor, and at his solicitation named his possessions in America Virginia, as a memorial of herself, who had remained through life a virgin queen, and Parliament manifested its applause and its hope of important commercial benefits by confirming and ratifying the queen's patent with all of its high powers and exclusive privileges.

### Conditions in America

Ribault's  
Colony, 1564

Many years before, the Spaniards had explored and claimed Florida; and when, in 1564, a French settlement had been made on the river May by some Huguenots under Ribault, at Fort Carolina, the Catholic Spaniards asserted dominion and put them to the sword. In Canada, at the far north, the French had made explorations and claimed the possession, but between Florida and Canada the wilderness was unbroken; and when Amadas and Barlow landed on the sandy shore near Cape Hatteras and raised there the meteor flag of England and took possession of the country for the English-speaking race, it was the first step in a series of events of the utmost consequence to mankind. The limits of Virginia were the undefined bounds of Canada at the north, and of Florida at the south; the Atlantic on the one hand and the South Sea on the other; and that vast expanse, so long a solitude, was in the course of time to become the home of the greatest of all the nations of the earth.

Fortunate, indeed, was it for America and for humanity that this first lodgment on our stormy coast was by a race devoted to the Protestant faith, ardently attached to freedom and personal liberty, and trained to the usages and customs of the realm of England. Different certainly the world's history would have been had Raleigh not blazed the way in English colonization, and had the dominion of the Spaniards under the papal bull of Alexander been permanently established throughout the Atlantic slope of America.



## CHAPTER III

### LANE'S COLONY, 1585-86

Lane's colony.—Arrival at Wokokon.—Secotan visited.—Aquasco-goc burned by Grenville.—Disembarkation at Hattorask.—Settlement at Roanoke.—Fort Raleigh.—Explorations.—Manteo friendly.—Wanchese hostile.—The peril of famine.—Lane penetrates the Chowanoak; seizes Skyco; ascends the Moratoc.—Food exhausted.—The Indian conspiracy.—The hostiles gather at Dasamonquepeuc.—Lane strikes a blow and secures safety.—The arrival of Drake.—The departure of the colonists.—Arrival of Grenville's fleet.—Fifteen men left to hold possession.

#### The first colony

Hastening to lay the foundations of a regal domain and with an eager anticipation of rich returns from his commercial dealings, Sir Walter now prepared a second expedition, which was to transport a hundred colonists for settlement in Virginia. Provisions were collected for a year's subsistence, by which time a new supply was to be furnished. The colonists were to be under the authority of Ralph Lane, as governor, who was chosen for this important post because he had already given the world assurance of his bravery, capacity, and resourcefulness. Among the enterprising men of that day he ranked high for energy, courage and versatile powers. Barlow, who, years before, had served with Raleigh in Flanders, was again to be with the party, and was to remain in Virginia as admiral; while Cavendish, afterward famous as a bold and skilful navigator, Thomas Hariot, highly distinguished as a mathematician and scientist, and John White, whose maps and admirable sketches, made in Virginia, are still extant, and who was deeply interested in the work of colonization, were likewise members of the company. At length, the preparations being completed, a fleet of seven vessels, all small, however, and capable of entering the inlets of the Virginia sounds, under the command of Sir Richard Grenville, a kinsman of Sir Walter Raleigh, and famous for his skill and bravery, set sail from Plymouth on April 9, 1585. After various adventures that



1585

The arrival,  
June 25, 1585

caused delay, the fleet passed the Cape Fear on June 23d, and two days later came to anchor at Wokokon, now known as Ocracoke, southwest of Cape Hatteras. One of the vessels, under Captain Raymond, had, however, preceded the others, and having reached the vicinity twenty days earlier, had disembarked thirty-two men at Croatoan, a part of the sandbanks nearer the cape, that island also being called the "Admiral's Island," and Cape Hatteras itself was known as Cape Amadas.

#### Exploration on the mainland

Some ten days were spent in examining the vicinity, and then, on July 11th, a considerable party embarked in four large boats, and taking provisions for eight days, passed over to the mainland, bordering on Pamlico Sound. They visited the Indian town of Pomeiok, and the great lake, Paquipe, and the town of Aquascogoc, and then Secotan, and explored the rivers of that region. During the expedition an Indian at Aquascogoc stole a silver cup from Sir Richard Grenville, and not restoring it, according to promise, Sir Richard went back from Secotan to that town for the purpose of regaining it; but the Indians had fled. So Sir Richard, to punish the theft, burned and spoiled their corn, which set those savages at enmity with the English.

The  
landing,  
Aug. 17, 1585

Having gained some familiarity with those southern parts, the admiral weighed anchor, and turning the cape, reached Hattorask Inlet, having previously advised King Wingina at Roanoke Island of their coming. The colonists were accompanied by Manteo and Wanchese. The former had been strengthened in his friendship for the English, but the latter, whether because of apprehensions of their great power, which he had beheld in England, or because he belonged to that tribe on the Pamlico whose corn Sir Richard had destroyed, displayed an unfriendly disposition toward them. Arriving at Hattorask, the settlers disembarked on August 17th, and landed on Roanoke Island. Who now can enter fully into the feelings of those first adventurers, who in that summer time made their lodgment in the New World! The unknown country, the placid waters of the great sound, the delightful atmosphere and brilliant sunshine,





and their difficult intercourse with the untutored savages who gathered around them—with their strange color, manners, and customs—and themselves so far removed from their distant homes—must have been constant subjects of reflection, mingling pleasure and apprehension, gratifying their spirit of adventure, and fostering hopes of personal reward, but ever startling them with the extreme novelty of their situation. A week after the landing Grenville took his departure, leaving the colonists established on Roanoke Island.

1585

### Fort Raleigh on Roanoke Island

Lane at once began the erection of dwelling houses at a convenient point on the northern end of the island, and constructed a fort there, which he called Fort Raleigh; and from there excursions were made in every direction to get a better acquaintance with the country and its products. To the southward they went eighty miles to Secotan, that lay near the mouth of the Neuse; to the north they reached the Chespeans, some fifteen miles inland from the head of Currituck Sound, and temporarily a small number of the English established themselves in that region. From those Indians, as well as from information derived from those on the Chowan, Lane learned that there was a larger and better harbor not far distant to the northward. On the west they penetrated to Chowanoak, a large Indian town on the Chowan River, and in that region they found an Indian sovereign, or Weroance, who ruled about eight hundred warriors, having subject to him eighteen towns. These towns, however, never consisted of more than thirty houses, and generally of only ten or twelve. The houses were made with small poles fastened at the top, the sides being covered with bark, and usually about twenty feet long, although some were forty and fifty feet, and were divided into separate rooms.

Lane  
explores

In these explorations the colonists ascended the various rivers emptying into the sound, and became familiar with the adjacent country. Hariot devoted himself to the study of the natural history of the region and wrote a valuable account of the animals, the vegetables, the plants, and the trees



1586

found there, and White made many sketches that are still preserved in the British Museum.

### Famine threatens the colonists

The spring  
of 1586

Among the savages, Ensimore, the old father of Wingina and Granganimeo, and Manteo were friendly with the white strangers; but the other chieftains were not favorable to them, although their bearing was not openly hostile. Granganimeo unfortunately died shortly after the arrival of the colonists, and upon that event Wingina, the king, according to some usage, took the name of Pemisapan, and as time passed he began to intrigue against the English, in which he was joined by Wanchese, Terraquine, Osacan, and other head men of the Indians. Relying on an additional supply of provisions by Easter, the colonists had been improvident, and by spring had exhausted their stock, and the planting time of vegetables and corn had hardly come when they found themselves without food. Their reliance now, temporarily at least, was on the corn of the Indians, and that was difficult to obtain. Their situation had become one of peril, especially as the Indians were reluctant to supply them. Pemisapan, understanding their difficulties, and at heart their enemy, now warily devised a plan for their destruction. He instilled into the Chowanists and into the Mangoaks, a strong and warlike tribe inhabiting the region on the Moratoc, or Roanoke River, that the English were their enemies; and then he informed Lane that the Mangoaks had much corn and that there were rich mines of gold and copper and other minerals in their country, and that they possessed stores of pearls and precious stones. This appealed strongly to Lane's cupidity, and he eventually determined to visit them, and applied to Pemisapan for guides, and three Indians besides Manteo were assigned to accompany him. So in March Lane set out on his expedition, taking the pinnace and two smaller boats, with some fifty or sixty men. He visited all the towns on the water's edge, and was especially pleased with some high land seen before reaching Chowanoak, subject to that king, where there was a goodly cornfield and a town called Ohanoak. Arriving at Chowanoak, he found a considerable assemblage there, the King Menatonon and his

Lane's  
expedition  
up the  
Moratoc



people being under apprehension that the English were enemies to them. Although Lane as a precautionary measure seized the person of the king and his young son, Skyco, he, nevertheless, was able to disarm their fears, and during a sojourn of two days with them obtained considerable information concerning the Mongoaks and their country, and also learned that by ascending the Chowan two days in a boat he would be within a four days' journey, by land, of a king's country that lay upon the sea. Obtaining some corn from Menatonon, and keeping Skyco as a hostage for further kindness, he sent the young Indian prince in the pinnace to the fort, and with the remaining boats and forty men pushed on up the Moratoc. His progress was slow, and he observed the difference between the strong current of that river and the sluggish waters of the great estuaries of the broad sound of Weapomeiok, as the country north of Albemarle Sound was then called.

The Mongoaks proved hostile, and when he had ascended the river two days, having progressed about thirty miles, they made an attack that was, however, easily repulsed. Then penetrating into the country, Lane found that the savages withdrew before him, removing all their corn and leaving nothing on which his men could subsist. His provisions being nearly out, he left it to the men to determine whether they should return or proceed; but they had two large mastiffs with them, and the men, declaring that the dogs prepared with sassafras would be good for two days' food, would not then abandon the expedition; and so they pushed on farther, but without any favorable result. At length, in danger of starvation, and their strength failing, they turned down stream, and in one day reached an island at the mouth of the river.

Their provisions now were entirely exhausted; but here, because of a heavy wind raising great billows in the sound, they were constrained to remain the whole of the next day. It was Easter eve; and Lane says they truly kept the fast. But Easter morn brought them new hope, and the storm ceasing, they entered the sound, and by four o'clock reached the Indian town of Chepanum (apparently on Durant's Neck, between Little and Perquimans rivers), which they

1586

Exploration  
and  
starvation





1586

found deserted; but fortunately there were fish in the weirs that furnished timely food; "for some of our company of the light-horsemen were far spent," those sailors who managed the canoes or light boats since called gigs being facetiously designated as "light-horsemen."

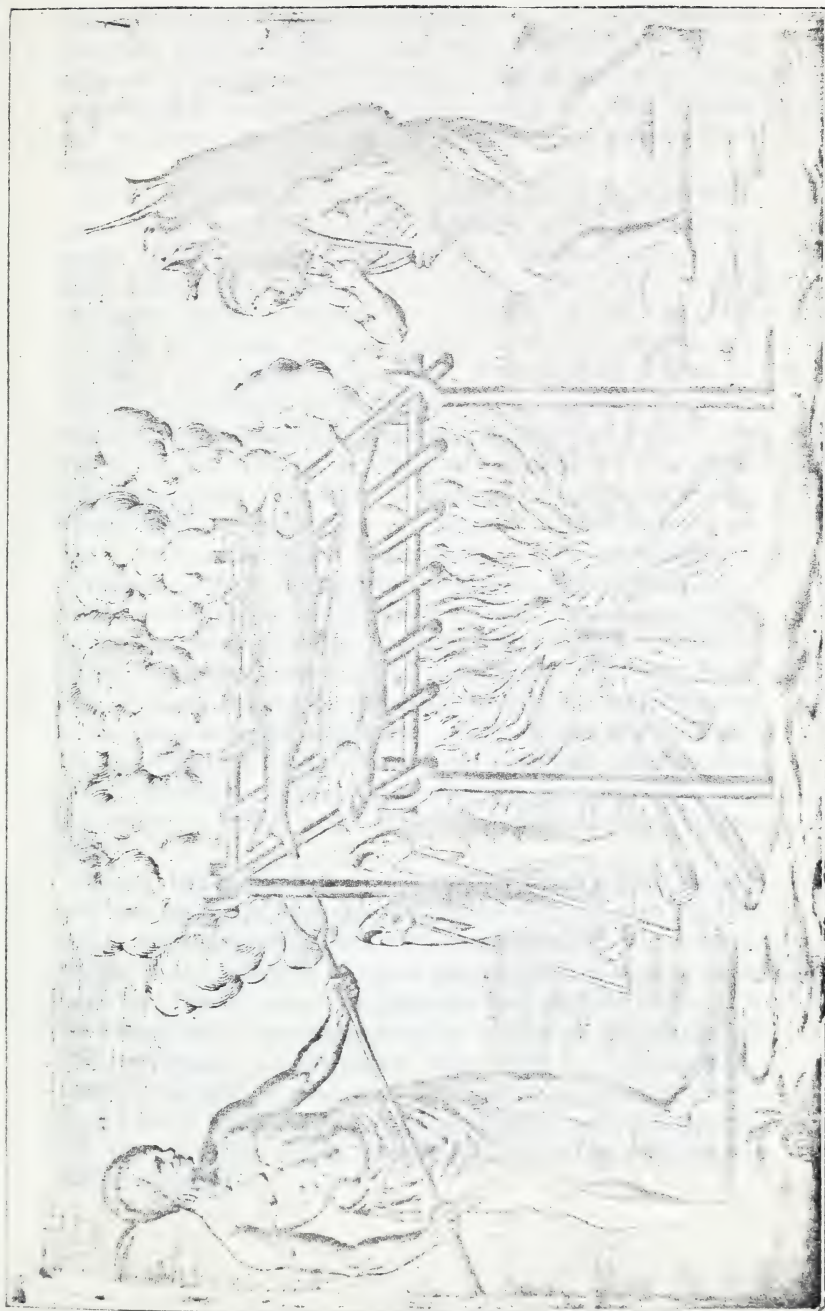
The next morning, refreshed and strengthened, they resumed their journey and returned to Roanoke in safety.

#### The Indians become hostile

In their absence, Pemisapan had stirred up the neighboring Indians to enmity against the remaining colonists, and hoping that his devices for the destruction of Lane's party had succeeded, he sought to strengthen the resolution of his followers by declaring that Lane and his party had either died of starvation or had been cut off by the Mongoaks. Ensinore, who had urged more friendly counsels, had unfortunately died toward the end of March, and there was now no influence to counteract Pemisapan's hostility; and urged by him, the Indians would no longer render any assistance in the way of obtaining either fish or other food, and the situation of the colony was becoming extremely critical. The protracted absence of Lane's party added to their despondency, while it gave color to the report of their destruction. Such was the deplorable condition on the island when Lane's reappearance, contrary to the prophecies of his enemies, together with the accounts given by the Indians who had accompanied him of the ease with which he had overcome those Mongoaks who had fought him, caused a reaction in favor of the whites, and the Indians once more began to set weirs for them and aided them in planting corn, the planting season having now arrived. Still, until relief should come from England, or the crops just planted should mature, the colonists had to rely on such supplies as they could gather for themselves. In this extremity resort was had to the oyster beds found in the sound; and the better to subsist, the men were divided into small companies, and located at different points. Captain Stafford and twenty others were sent to Croatoan, where, while getting oysters, they could watch for the approach of the expected vessels

Pemisapan  
plots





INDIANS COOKING FISH  
(From the John White Drawings)



bearing relief; at Hattorask a dozen more were stationed for the same purpose, while every week companies of fifteen or twenty were sent to the mainland to hunt for food. Thus they managed to exist through the month of May, waiting and watching in vain for the promised supplies from home.

In the meantime, Pemisapan, while preserving a friendly guise, began to plot anew against them, and instigated the hostile Indians to take the whites at a disadvantage, falling upon them while scattered and cutting them off in detail. To carry out this scheme he proposed to hold a great assembly of Indians, to last a month, by way of solemnizing the death of his father, Ensinore. This meeting was to be held on the mainland, at Desamonquepeuc, opposite Roanoke Island; and besides seven hundred neighboring warriors, it was to be attended by an equal number of the Mangoaks and Chesipeans, who were to come and lie secretly in the woods until the signal fires should give them the order to rise. As a part of the same plan, it was arranged that Terraquine, one of Pemisapan's chieftains, with twenty men, should set fire to the thatched roof of Lane's house, and when he should come out, they were to murder him. Another leader and squad were to deal with Hariot the same way; and, similarly, all of the principal men of the colony were to be surprised and overcome. Toward the end of May the neighboring Indians began to assemble on Roanoke Island, the night of June 10th being the time appointed for the others to meet and carry into effect the murderous plot.

Skyco, being the son of a king, on reaching the island had been taken by Pemisapan to reside with his own family, and as the young prince was held a prisoner and was deemed hostile to the English, the plot became known to him; but Lane had treated him with kindness and consideration, and the young boy in gratitude revealed to him all the details of the conspiracy. Confronted with such an emergency, Lane's strength of character and resolution promptly displayed itself. Had he been a weaker man, not so resourceful, the colonists would probably have fallen victims to Indian strategy.

1586  
Skyco  
reveals  
the plot





**Lane's strategy**

1586

Lane strikes

Pemisapan had gone over to the mainland, ostensibly to see about his growing corn crops, but really to attend to collecting the hostile Indians. Lane, realizing that safety could only be secured by the death of this wily foe and of his coadjutors, resolved on an immediate stroke. He sent him word to return to the island, for having heard of the arrival of his fleet at Croatoan, he himself proposed to go there; and he wished Pemisapan to detail some of his men to fish and hunt for him at Croatoan, and he also wanted to purchase four days' supply of corn to take with him. Pemisapan, however, did not fall into the trap; but while promising to come, postponed doing so from day to day, waiting for the assembling of the hostile Indians. At length, on the last of May, all of Pemisapan's own people having begun to congregate on the island, Lane determined to wait no longer. So that night he ordered "the master of the light-horsemen," as he termed his chief boatman, with a few others to gather up at sunset all the canoes in the island, so as to prevent any information being conveyed to the mainland. As the "light-horsemen" were performing this duty, they saw a canoe departing from the island, and in seizing it two of the savages were killed. This aroused the Indians who were present, and they at once took themselves to their bows and the Englishmen to their muskets. Some few of the savages were killed in the encounter and the others fled down the island. At dawn the next morning, with the "light-horsemen" and a canoe carrying twenty-five others, with the "colonel of the Chesipeans," and "the sergeant major," Lane hastened to the mainland, and sent word to Pemisapan that he was coming to visit him, as he was about to depart for Croatoan, and wished to complain of the conduct of Osacan, who the night before had tried to convey away the prisoner Skyco, whom he had there handcuffed. The Indian king, ignorant of what had happened on the island, and not suspecting any hostile purpose, received Lane and his attendants, who, coming up, found him surrounded by seven or eight of his principal Weroances, together with many other warriors.



As soon as they met, Lane gave the agreed signal, "Christ, our Victory," and immediately the colonel of the Chesipeans, the sergeant major, and their company opened fire, and Pemisapan and his chief men were slain and the others dispersed. A blow so sudden and terrible paralyzed the Indians; the plot was abandoned and the danger averted.

1586

#### Drake arrives and the colonists return to England

A week later, on June 8th, the colony was thrown into an ecstasy of excitement by the hasty arrival of a messenger from Stafford, who reported seeing off Croatoan a fleet consisting of more than twenty vessels; but war had the year before broken out between Spain and England, and it was not at first known whether the ships belonged to friends or foes. The next day, however, Stafford himself came, having walked twenty miles by land, bringing a letter, proffering food and assistance, from Sir Francis Drake, then at Hattorask, who had just returned from sacking Santo Domingo, Cartagena and St. Augustine. With a joyful heart, Lane hastened to the fleet "riding at his bad harbor"; and Drake proposed to leave him a sufficient supply of provisions and a small vessel that could pass the inlet and lie within the sound. But before the necessary arrangements were completed a terrific storm came up that lasted three days, and the vessel which was to have been left was blown to sea and did not return; and much damage was done to the other ships of the fleet, and many pinnaces and smaller boats were entirely lost. After the storm had abated, Drake offered to leave another vessel, but he then had none that could enter the harbor; so the ship, if left, would have had to remain on the perilous coast. As an alternative proposition Drake offered to take the colonists aboard and transport them to England. After consideration, it was deemed best to accept this last offer, and the different companies into which the colony had been broken being again collected, they embarked on June 19th and safely reached Portsmouth on July 27th. Thus, after a nine months' residence, ended the first attempt to plant a colony on Roanoke Island.

End of the  
first colony

In the meantime, a bark bearing advice that a new fleet was coming had been despatched from England, and some-



1586

what later Sir Richard Grenville sailed with three vessels freighted with supplies and bringing other colonists. The first bark arrived immediately after the departure of Lane, and finding the settlement abandoned, returned to England; but when Sir Richard came, a fortnight later, he remained three weeks searching for the settlers and making explorations; and then putting fifteen men in the fort, with an ample supply of provisions, he sailed away on a cruise against the Spaniards.





## CHAPTER IV

### WHITE'S COLONY, 1587-91

Raleigh's embarrassments.—Conveys an interest in Virginia to Thomas Smith, John White, and associates.—The Citie of Raleigh in Virginia.—White's colony departs.—Howe murdered.—White despoils the fields of the hostiles.—Baptism of Manteo.—Birth and christening of Virginia Dare.—White returns to England.—The Armada.—White's first attempt to return to Virginia.—Raleigh makes further conveyance of his interest.—White sails in February, 1591.—Finds colony removed.—Mace's voyage.—Elizabeth dies.—Raleigh arrested for treason.—The settlement at Jamestown.—Fate of the Lost Colony.

#### Raleigh's Embarrassments

The unexpected return of Lane's colonists greatly disappointed Raleigh. His efforts at exploration and colonization had involved great expenditures. He had already disbursed forty thousand pounds in the enterprise, a sum approximating in this age half a million dollars, and that at a period when there was no great accumulation of wealth in England. He had now been at court some years and was a member of Parliament; and his fine powers and accomplishments, his versatility of genius and varied learning, commended him to the high favor of the queen, who gave substantial evidence of her inclination to push his fortunes. In 1584 she had bestowed on him a grant of twelve thousand acres of forfeited land in Munster, Ireland, which he attempted to colonize with English tenants and where he employed a large force in cutting timber for market, which, however, did not turn out a profitable enterprise. Also, beginning in the same year, he received annually for five years profitable grants allowing him to export quantities of broadcloth from England—a sort of monopoly; and he likewise obtained a lucrative monopoly in the grant of the "farm of wines," vesting in him the power of selling licenses for the vending of wine and, in some measure, of regulating the price of that commodity throughout the kingdom. Some months after Lane's return, on the attainder of Anthony Babington,



1585

Edwards'  
Life of  
Raleigh

the queen was also pleased to bestow on Raleigh all of the estates that had come to the Crown by the attainder, which gave him rich manors and broad acres in five counties of England. In July, 1585, when the war broke out with Spain, he was created Lord Warden of the Stannaries (Cornwall and Devon) and Vice-Admiral of Cornwall and Devon; and two years later he was appointed captain of the Queen's Guard, the office of a courtier, to succeed Hatton, who was to become Lord Chancellor. But neither his outlays in Ireland nor his expenditures for Virginia had yielded him any return, while his living at court, where he indulged in magnificent display, involved large expenses.

#### The Citie of Raleigh in Virginia

1586

Such were his circumstances when Lane's colony returned to England in the fall of 1586. But unwilling to abandon the enterprise and still hoping for profit from establishing a trade in Virginia, he now determined to associate merchants with him who would share the profits and the expenses. At that time some of the wealthy merchants of London were looking with eager eyes for new avenues of trade and commerce. Chief among these was Thomas Smith, whose subsequent enterprises led to his receiving knighthood at the hands of his appreciative sovereign; and of their number was Richard Hakluyt, to whom posterity is indebted for the collection and publication of many narratives of exploration and discovery in that interesting period. To Smith and eighteen other merchants who risked their money in the enterprise Raleigh granted free trade forever with his colony in Virginia, and to thirteen others he assigned the right of governing the colony. Of these John White, who had been in all the previous expeditions to Virginia, was constituted the governor, and the other twelve, who also were to accompany the colony, were nominated his assistants; among them Ananias Dare and Dionysius Harvie, who carried their wives with them, and the former of whom was White's son-in-law. These thirteen Raleigh, by patent, under the powers contained in his own charter, on January 7, 1587, erected into a corporation under the name of "The Governor and Assistants of the Citie of

The  
corporation



Raleigh in Virginia"; and the nineteen merchants were made members, "free of the corporation."

1587

#### A permanent settlement attempted

These preliminaries being arranged, a new colony was collected, consisting of one hundred and twenty-one persons, of whom seventeen were women, twelve apparently being wives accompanying their husbands, and nine being children. On April 26, 1587, three vessels bearing the colonists left Portsmouth for Plymouth; and on May 8th finally took their departure from that port for Hattorask, where, after many adventures, two of them arrived on July 22d, and a few days later the other. Raleigh had given written directions that after taking in the fifteen men left by Grenville the vessels were to proceed to Chesapeake Bay, where a new settlement was to be made, and such was the purpose of Governor White. But when White with a part of his men had left the ship to visit Roanoke Island for the purpose of taking off the fifteen men, Ferdinando, the admiral, influenced the sailors to say that they could not be received back into the ship, thus constraining all the colonists to disembark. At sunset White's boat reached the island, but the only trace he could find of the men left by Grenville was the bones of one that lay unburied where he had been slain. The fort had been razed down, but the cottages were still standing, some of the outer planks, however, being torn off. Forced to remain there, White set the men at once to work to repair the buildings and to construct others. The colonists had hardly gotten established in their new homes, when George Howe, one of the assistants, having strayed off two miles from the fort catching crabs on the shore opposite the mainland, was set upon by some savages, receiving sixteen wounds from arrows, and was slain. This was an evidence of hostility that White at once sought to allay. He sent Stafford with twenty men, accompanied by Manteo, who along with another Indian, Towaye, had gone to England and had now returned, to Croatoan, where Manteo's mother and kindred were; and from these friendly Indians it was learned that some savages from the mainland had taken the men left by Grenville unawares, had killed some of them,

April, 1587

The colony  
settled





1587

set fire to the house where they had taken refuge, and driven them from the island; they taking their boat and going to an island near Hattorask, after which they had never been seen. They also said that it was a remnant of Wingina's men dwelling at Dasamonquepeuc who had slain Howe. To establish more amicable relations with these hostile Indians, the Croatoans were requested to go over to their towns and proffer them the friendship of the English, who promised to forgive and forget all past offences; and it was agreed that this embassy was to return with the answer within seven days. At the end of the time, no answers being received, White deemed it best to strike a blow to show that the colonists were to be dreaded. At night, accompanied by Stafford and twenty-four men and Manteo, he crossed over to Dasamonquepeuc and secreted his force near the Indian town; and early in the morning he opened fire on some Indians discovered there. Unfortunately, these were not the hostiles, who, fearing punishment for the murder of Howe, had fled, leaving their corn standing in the fields; but they were some of the Croatoans who had gone there to gather the corn. White, disappointed in his revenge, despoiled the fields and returned home. The colony being now settled, on August 13th a ceremony was performed at Roanoke that gave expression to the gratitude of Raleigh and the colony for the faithful and friendly services of Manteo.

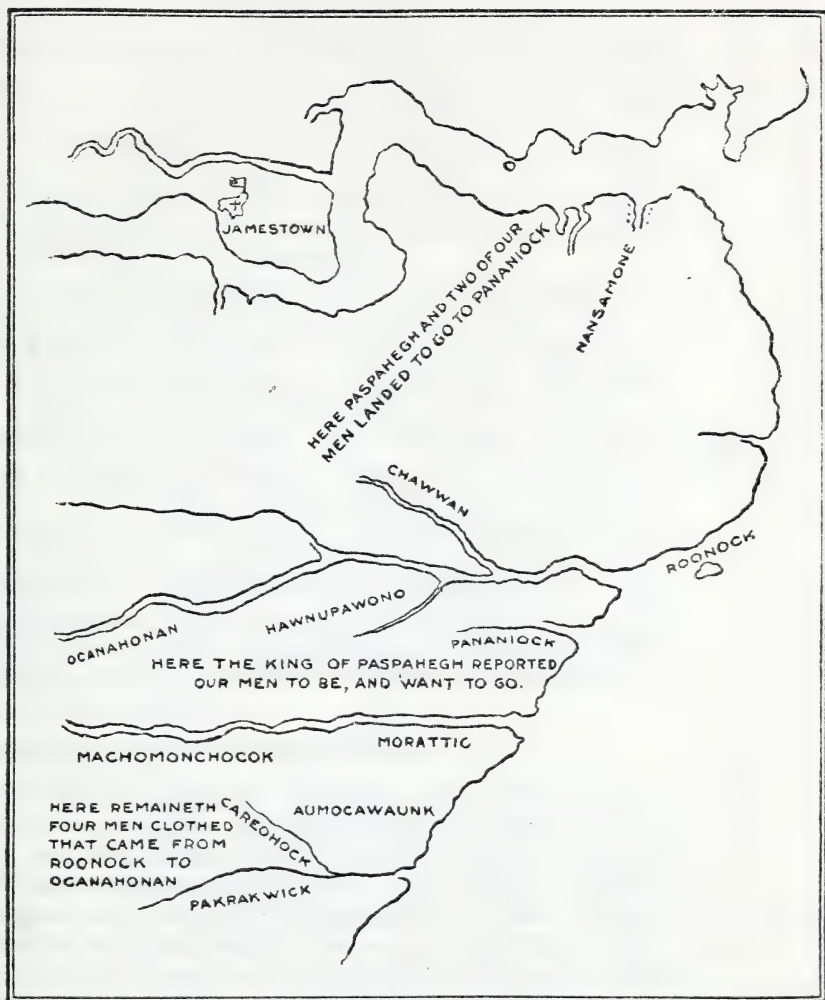
The baptism  
of Manteo  
and Virginia  
Dare

By command of Sir Walter, the rite of baptism was administered to Manteo, and there was conferred on him the order of Knighthood; and he was created Lord of Roanoke and Dasamonquepeuc. And five days later another interesting event occurred, the birth of the first English child born in America. On August 18, 1587, Eleanor Dare, wife of Ananias Dare and a daughter of the governor, gave birth to a daughter, who the next Sunday was christened Virginia, because she was the first Christian born in the new country. A few days later, also, was born to Dionysius Harvie and his wife, Margery, a child, whose name, however, has not been preserved.

#### The colonists to remove into the interior

It was now discovered that certain other particular sup-





THE LOST COLONY



plies were needed, as this was intended to be a permanent settlement; and there was consultation as to who should return with the fleet to obtain them. It was finally determined that White himself would answer the purpose best, and he agreed to go with the vessels back to England. But before his departure it was resolved that the colony should remove to some point about fifty miles in the interior; and it was agreed that they would, on departing from the island, leave some sign indicating their location; and if in distress, a cross would be the sign. It is probable that this point, fifty miles in the interior, where the colony was to locate, was the highland near Ohanoak, where there were goodly cornfields and pleasant surroundings.

At length, the fleet being ready to sail, on August 27th, after a month's sojourn with the colony, White embarked and departed for England. On the return voyage he met with many perilous adventures, but finally, about the middle of October, made land at Smerwick, on the west coast of Ireland, and in November reached Hampton. With him came to England still another Indian, who, accepting Christianity, was baptized at Bideford Church; but a year later died, and was interred there. When the colonists receded from White's view, as he left the shores of Virginia, they passed from the domain of history, and all we know is that misfortune and distress overtook them; and that they miserably perished, their sad fate being one of those deplorable sacrifices that have always attended the accomplishment of great human purposes.

Doyle,  
English in  
America,  
1, 72

#### Conditions in England on White's arrival

On White's arrival, in November, 1587, seeking aid for the colony, doubtless the merchants and others who had ventured their means with Raleigh in this last attempt at colonization and trade in Virginia, were willing to respond; but there were rumors of the preparation in Spain of a great Armada to invade England, and an order had been issued forbidding the departure of any vessel from any English port. In that period of excitement and alarm, the necessities of the distant colonists were of less moment than the pressing matters at home. Still Raleigh, exerting his per-





1588

The  
Invincible  
Armada,  
July 21-29,  
1588

Doyle,  
English  
in America,  
I, 72;  
Edwards'  
Life of  
Raleigh,  
I, 91

sonal influence, obtained a license for two small vessels to sail, and on April 25, 1588, White departed with them from Bideford for Virginia. The captains, however, were more intent on a gainful voyage than on the relief of the colonists, and betook themselves to the hazardous business of making prizes. At length one of them, meeting with two ships of war, was after a bloody fight overcome and rifled, despoiled and disabled, and she returned to England within a month; and three weeks later, the other, equally badly served, came home without having completed the voyage. Soon afterward, the great Armada appeared, and Raleigh was among those who made havoc of the Spanish galleons in the "morris dance of death," that, beginning in the straits, lasted around the north of Scotland and on the coast of Ireland. Immediately on his return he was challenged to mortal combat by the queen's favorite, the handsome boy, Essex, and for a time retired to Ireland in seclusion. But soon all his powers and resources were employed in distressing Spanish commerce and in taking rich prizes, while England was again and again threatened with Spanish invasion. In the following March, 1589, because, perhaps, both of his public employments and of the greater facilities of the merchants to care for the colonists, he transferred his rights in Virginia by an assignment or lease to Thomas Smith, White and others, and relinquished his interest in the colony. What particular efforts these merchants made to relieve the planters are not recorded; but White afterward mentioned "having at sundry times been chargeable and troublesome to Sir Walter for the supplies and relief of the planters in Virginia." Because of the inhibition of the sailing of merchant ships from England, no opportunity presented for White to return to Virginia until early in 1591. He then ascertained that John Watts of London, merchant, was about to send three vessels to the West Indies; but when they were ready to depart, a general stay was again commanded of all ships throughout England. Taking advantage of this circumstance, White applied to Sir Walter to obtain a special license for these vessels to sail, on condition that they would transport a convenient number of passengers with their furniture and necessities to Virginia. The license was obtained



by Raleigh, but the condition was not observed; and the only passenger they would take was White himself, and no provisions for the relief of the colonists.

1591

#### White sails for Roanoke

Leaving Plymouth on March 20, 1591, they sailed for the West Indies and sought to make prizes, and had some desperate encounters. Eventually, on August 3d, they reached Wokokon, but were driven off by a storm. On Monday, the 9th, however, the weather being fair, they returned and anchored and went on shore, obtaining a supply of fresh water and catching great stores of fish. On the morning of the 12th they departed, and toward night dropped anchor at the north end of Croatoan. The next morning they sounded the inlet there, and then, on August 15th, came to anchor at Hattorask, seeing a great smoke on Roanoke Island. The next morning, after directing signal guns to be fired, to warn the colonists of their presence, they entered the inlet; but observing a great smoke toward the southwest, they landed and proceeded to it, only to meet with disappointment. Returning to their vessels, the morning following they set off again; but on passing the bar one of the boats was upset, and seven of the crew, including the captain, the mate and the surgeon, were drowned, and the remaining men protested against proceeding further. Distressing, indeed, was the situation of White and unpropitious the outlook of a journey begun with such a calamity. But at length the men reluctantly yielded and the boats proceeded to the island, arriving after night, anchoring off the shore and sounding a trumpet call and familiar tunes to evoke a response. But all in vain. No answer came, although in the distance a firelight was seen. At break of day they landed and hastened to the fire, finding no sign of the English. Then pressing across the island, they skirted along its western shore until they came to the north point near where the settlement had been. There on the shore they found a tree on which had been cut the Roman letters C. R. O. With despondent hearts they proceeded to the place of settlement, and saw that the houses had been taken down and the place strongly enclosed with a high palisade of great trees, very like a

C. R. O.



1591

Croatoan

fort; and on a tree was cut the word "Croatoan," but without the cross or sign of distress. The boats were gone; the pieces of light ordnance had been taken away, only some of the heavier pieces remaining, and the fort was all grown up with grass and weeds, as if long since deserted. A trench in which White had buried his boxes had been opened and his maps and property scattered, and his armor lay on the ground, almost eaten through with rust. It was a scene of desolation. There was still a hope, yet it must have been but faint, that the colonists could be found at Croatoan. White had just sailed along that island and had anchored at its northern end and had beheld no sign of the presence of any English there. Returning to the inlet, it was, however, determined to go again to that island. But after they had weighed anchor, the design was relinquished; and one vessel returned to England and the other steered for the West Indies. From that time onward the English who settled in Virginia were known as Raleigh's Lost Colony. They were not forgotten, but were never discovered.

#### Raleigh's efforts to relieve the colony

Edwards' Life of Raleigh

Mace

Greater enterprises now absorbed Raleigh, who had become one of the most heroic of that splendid company of heroes who brought lustre to the Elizabethan Age; but still, between 1587 and 1602, it is said that he sent out no less than five expeditions to seek his unfortunate company in Virginia. In 1602 he bought a ship, hired a crew, placed it under the command of Samuel Mace, who had twice before sailed for Virginia, and in March sent it forth to search for the colonists. Mace struck Virginia forty leagues southwest of Hatteras, and spent a month trading with the Indians as he scoured along the coast; but without going to Croatoan or Hattorask, he returned to Weymouth in August. Raleigh hastened there to meet him, and found in the same harbor another vessel likewise just arrived from Virginia, but which had missed Roanoke also, by forty leagues to the northward. He, however, proposed to send them both away again, having saved the cost in the sassafras they brought, which he claimed because of his ownership of the land under his patent, no one having the right.





he asserted, to trade in Virginia except by his license. The next year Richard Hakluyt, one of the grantees in the charter of the City of Raleigh, formally applied to Sir Walter for permission to sail to northern Virginia; but in the spring of that year, 1603, Elizabeth died, and before the summer had passed Raleigh was arrested for treason.

1603

#### Jamestown settled—The Roanoke colony disappears

In the meantime the spirit of enterprise which had been stimulated by Raleigh's efforts at colonization had grown, and Thomas Smith and a few other London merchants, in 1599, had laid the foundations of the East India Company, whose great success led, in 1606, to the formation of another corporation, called the Virginia Company, with two divisions, at the head of one division being Thomas Smith, now knighted, and other London merchants and gentlemen who had been associated with Raleigh in his enterprise; and on December 19, 1606, Christopher Newport set sail with one hundred and forty-three immigrants and, on May 13th, settled Jamestown. The next year Newport was directed to make an expedition to find Raleigh's Lost Colony.

Virginia  
Company,  
1606

1607

#### The fate of White's colonists

The colonists, warned by previous mishaps, certainly brought with them sufficient supplies to last until a crop would mature in the fall of 1588, and they did not neglect to begin their planting operations.

On his return White found no sign of any planting on Roanoke Island; nor was there evidence of any conflict with the savages—no graves, no butchery. The dwellings had been taken down and removed, and the light ordnance had been carried away. The growth of weeds indicated that two seasons had passed since the removal, and apparently the spot had not been revisited by the colonists in many months.

On his departure for England, the avowed intention was for the colonists to settle fifty miles in the interior; and when he coasted along Croatoan leisurely he observed no sign of their presence on the shore. Instead of establishing themselves on that barren sandbank, exposed to the attacks of the Spaniards, with no inviting streams, nor fertile fields, nor shady forests, they looked westward for a secure and agreea-



1608

ble location for their permanent settlement. Fifty miles would have brought them to the "goodly highlands, on the left hand between Muscamunge and Chowanoak," where the Indians already had fertile cornfields; and there, according to Indian statements of different sources, they appear to have seated themselves on what are now the pleasant bluffs of Bertie County.

Several vessels were at different times despatched to search for them; but none of these entered the great sounds. At length, after Jamestown was settled, Newport in 1608 was specially directed to make an exploration to discover them. An expedition by water did not proceed far and was without result. A searching party by land penetrated to the territory of the Chowanists and Mangoaks, but did not find the colonists.

Smith in his "True Relation" (1608) repeats information derived from the king of the Paspehegh Indians, who resided above Jamestown, to the effect that there were men apparelled like himself at Ochanahonan, which seems to have been on the Nottoway; and that there were many at Panawicke, a region apparently between the Chowan and Roanoke rivers. Five years later, William Strachey, the secretary of the Jamestown colony, gave some account of the missing colonists derived from Machumps, a friendly Indian of considerable intelligence, who had been to England and who came freely and often to Jamestown. At Peccarecamek and Ochanahonan, the Indians had houses built with stone walls, one story above another, having been taught by the English who escaped the slaughter at the time of the landing at Jamestown. And at Ritaoe there were preserved seven of the colonists, four men, two boys and a young maid, who having escaped, fled up the Chowan.

For more than twenty years the colonists were reported to have lived peaceably with the Indians and to have intermixed with them in their locality, beyond the territory of Powhatan; and then on the arrival of the colonists at Jamestown, Powhatan, persuaded by his bloody priests, procured their slaughter, he being present on the occasion. Some escaped; but none ever had communication with the Jamestown settlers.



Peccarecamek was apparently on the upper Pamlico, or Tar River; and perhaps a trace of English blood might be found in the aggressiveness and fierceness of the Indians of that region a century later.

1608

#### Traces of the colonists

If others were preserved on the sandbanks, as they might well have been, escaping in their pinnace through the waters of the sound, a trace of them possibly came down to posterity through their intermixture with the Hatteras Indians. That small tribe had always been friendly with the whites: and as late as 1709, grey eyes were found among them and they cherished a friendship with the English because of their affinity, according to their own traditions. Yet there were other opportunities for an admixture of the races. Thirty-two men of Captain Raymond's company were among them twenty days before the arrival of Lane's colony, and the following summer Captain Stafford and twenty men were with them until Drake came in June, and doubtless others were stationed there the next year to keep watch for the expected return of White, until all hope had expired. Other than these possible traces no memorial has ever been discovered of the existence of the Lost Colony, whose mournful fate, involved in mystery, has ever been a fruitful theme of song and story.





## THE SECOND EPOCH—1629-63

### PERMANENT SETTLEMENT

#### CHAPTER V

##### CHARTERS AND COLONIAL OFFICERS

The charters.—The concessions.—The Lords Proprietors and their successors.—The Palatines.—The governors, speakers of the Assembly, and chief justices.

##### Carolana

1629

C. R., I, 5

Sir Robert Heath's Patent—30th of October, 1629.

By this grant Charles I conveyed to his Attorney-General, Sir Robert Heath, Knight, his heirs and assigns forever so much of the Continent of America as lay between 31 and 36 degrees of North latitude,—“to have, exercise, use and enjoy in like manner as any Bishop of Durham within the Bishopric or County Palatine of Durham in our Kingdom of England ever heretofore had, held, used, or enjoyed, or of right, ought or could have, hold, use, or enjoy. And by these presents we make, create and constitute the same Sir Robert Heath, his heirs and assigns, true and absolute Lords and Proprietors of the region and territory aforesaid.”

“Know that we . . . do erect and incorporate them into a Province, and name the same Carolana, or the Province of Carolana.” “Furthermore know ye that we do give power to the said Sir Robert . . . to form, make and enact and publish what laws may concern the public state of said Province or the private profit of all according to the wholesome directions of, and with the counsel, assent and approbation of the Freeholders of the same Province.”

“Furthermore lest the way to honours and dignities may seem to be shutt, etc. do for ourselves, our heirs and successors give full and free power to the aforesaid Sir Robert Heath, Knight, his heirs and assigns to confer favours, graces and honours upon those well-deserving citizens that inhabit the aforesaid Province, and the same with whatever titles and dignities (provided they be not the same as are now used in England) to adorne at his pleasure.”





GREAT SEAL OF THE LORDS PROPRIETORS OF CAROLINA



### The charter to the Lords Proprietors

1663

By the first charter, King Charles II on the 20th day of March, 1663, granted to the grantees, the same territory conveyed to Sir Robert Heath in 1629, and in large measure granted the same powers; such, for instance, as that the grantees, with the consent of the freemen, should make laws, etc., and that they might bestow titles of nobility, not being the same as those in use in England; and also authorizing freedom in religion. The second grant made the 30th of June, 1665, extended the territory conveyed so as to embrace "as far as the north end of Currituck River, or Inlet, upon a straight, westerly line to Weyanoke Creek, which lies within or about the degrees of 36 and 30 minutes northern latitude; and so west, in a direct line, as far as the south seas; and south and westward as far as the degrees 29, inclusive." In other respects the charters were the same; except the provision establishing religious freedom is somewhat fuller in the second.

First and  
second  
charters of  
Charles II,  
1663, 1665

### The original Lords Proprietors

|                      |                       |
|----------------------|-----------------------|
| Edward Hyde.         | Anthony Lord Ashley.  |
| George Monk.         | Sir George Carteret.  |
| William Lord Craven. | Sir William Berkeley. |
| John Lord Berkeley.  | Sir John Colleton.    |

After Clarendon's death, his share was bought in 1679 by Seth Sothel, on whose death in 1694, it was assigned to Thomas Amy, a London merchant, who had been very active in promoting colonization. Eventually this share passed to Honorable James Bertie, after whom the county of Bertie was named.

The devolu-  
tion of  
the shares

The share of the Duke of Albemarle was acquired by John Granville, Earl of Bath, who dying in 1701, was succeeded by his son, John Lord Granville. In 1709 the Duke of Beaufort acquired this share and devised it to James Bertie in trust for his sons, Henry and Charles Somerset. His name appears in a county and in the seaport town called in his honor, when he was Palatine.

The Earl of Craven's share, he having no descendants, passed to his grand-nephew, William Lord Craven, whose son William, Lord Craven, succeeded him. That name is also perpetuated in a county.

The share of John Lord Berkeley came to his son, John, an admiral of great merit; but it had been forfeited, and in April, 1698, was sold to Joseph Blake, on whose death it descended to his son of the same name.

On the death of Shaftesbury, his share passed to his son, Lord Ashley.





1663-1776

George Carteret dying in 1679, was succeeded by his infant son, who was represented by the Earl of Bath. This second George Carteret dying about 1695, was succeeded by his son, George Carteret, who at the time of the purchase by the Crown in 1729, was lieutenant-governor of Ireland, and in 1742 overthrew Walpole's administration and became prime-minister. About that time, on the death of his mother, the Countess of Granville, he became Lord Granville. He would not sell his share to the Crown, and in 1744 it was set apart to him in the northern half of North Carolina. After the Revolution it was held by the State, although his heirs brought suit to recover it, but failed in the courts.

On the death of Sir William Berkeley, 1677, his share was sold by his widow to John Archdale for his son Thomas. Afterward in 1684 she and her husband, Philip Ludwell, sold it again to Sir Peter Colleton for 300 pounds. Sir Peter purchased it for himself and three other Proprietors and the title was conveyed to Thomas Amy in trust for them.

In 1705 this share was acquired by John Archdale, who in 1709 conveyed it to John Dawson, his son-in-law. Later it was sold by decree of the Court of Chancery and purchased by Hugh Watson as trustee for Henry and James Bertie.

Sir John Colleton's share on his death in 1666 descended to his son, Sir Peter, who held it until 1694, and who was succeeded by his son, Sir John Colleton. All of the shares were bought by the Crown in 1729, except that of Sir George Carteret.

#### Palatines

McCrady's  
South  
Carolina, I,  
716

1. Duke of Albemarle, October 16, 1669.
2. John Lord Berkeley, January 20, 1670.
3. Sir George Carteret, February 5, 1679.
4. William Earl of Craven, November 20, 1680.
5. John Earl of Bath, April, 1697.
6. John Lord Granville, January 10, 1702.
7. William Lord Craven, 1708.
8. Henry Duke of Beaufort, November 8, 1711.
9. John Lord Carteret, August 10, 1714, and he so continued until the sale to the Crown in 1729.

John Lord Berkeley did not attend the meetings of the Proprietors after 1671, Shaftesbury being then the particular manager.

#### Governors of Albemarle under the Proprietary Government

William Drummond, appointed October, 1664—October, 1667.

Samuel Stephens, appointed October, 1667. Died December, 1669.

Peter Carteret, appointed October, 1670. Left colony May, 1673.



John Jenkins, president of council, appointed May, 1673.  
 Thomas Eastchurch, appointed November, 1676. Never qualified.  
 Thomas Miller, appointed 1677. Deposed by Culpepper.  
 John Culpepper, in power, 1677-78.  
 Seth Sothel, appointed 1678. Captured by Algerines.  
 John Harvey, appointed February 3, 1679. Died August, 1679.  
 John Jenkins, president of council, appointed November, 1679.  
 Henry Wilkinson, appointed February 16, 1681.  
 Seth Sothel, arrived 1682. Deposed fall of 1689.

1663-1776

#### **Governors of North Carolina under the Proprietors**

Philip Ludwell, appointed December 5, 1689.  
 Thomas Jarvis, deputy, 1691-94.  
 Thomas Harvey, deputy, July, 1694—July, 1699.  
 John Archdale, governor, 1695.  
 Henderson Walker, president of council, 1699-1704.  
 Robert Daniel, deputy governor, 1704-05.  
 Thomas Cary, deputy governor, 1705-06.  
 William Glover, president of council, 1706-08.  
 Thomas Cary, president of council, 1708—January, 1711.  
 Edward Hyde, governor, January, 1711—September, 1712.  
 Thomas Pollock, president of council, September, 1712-14.  
 Charles Eden, governor, 1714-22.  
 Thomas Pollock, president of council, 1722.  
 William Reed, president of council, 1722-23.  
 George Burrington, governor, 1724-25.  
 Sir Richard Everard, governor, 1725-31.

#### **Governors of North Carolina under the Crown**

George Burrington, February 25, 1731—November, 1734.  
 Gabriel Johnston, November, 1734—July, 1752.  
 Nathaniel Rice, president, July, 1752—January, 1753.  
 Matthew Rowan, president, January, 1753—November, 1754.  
 Arthur Dobbs, November, 1754—March 28, 1765.  
 William Tryon, March, 1765—June 30, 1771.  
 James Hasell, president of council, July 1, 1771—August, 1771.  
 Josiah Martin, August, 1771. Expelled 1775.

#### **Speakers of the Assembly**

|                          |                           |
|--------------------------|---------------------------|
| George Catchmaid, 1666.  | William Swann, 1711.      |
| Thomas Eastchurch, 1675. | Edward Moseley, 1715.     |
| Thomas Cullen, 1676.     | Edward Moseley, 1722.     |
| John Porter, 1697.       | Maurice Moore, 1726.      |
| Edward Moseley, 1708.    | John Baptista Ashe, 1727. |



1663-1776

Thomas Swann, 1729.  
Edward Moseley, 1731.  
William Downing, 1734.  
John Hedgson, 1739.  
Sam Swann, 1743.  
John Campbell, 1755.

Sam Swann, 1756.  
John Ashe, 1762.  
John Harvey, 1766.  
Richard Caswell, 1770.  
John Harvey, 1772-75.

**Chief justices of North Carolina**

Christopher Gale, 1712.  
Tobias Knight, 1717.  
Frederick Jones, 1718.  
Christopher Gale, 1722.  
Thomas Pollock, 1724.  
Christopher Gale, 1724.  
William Smith, 1731.  
John Palin, 1732.  
William Little, 1732.  
Daniel Hanmer, 1733.

William Smith, 1734.  
John Montgomery, 1743.  
Edward Moseley, 1744.  
Eleazar Allen, 1749.  
Enoch Hall, 1749.  
James Hasell, 1750.  
Peter Henley, December 5, 1755.  
Charles Berry, 1758.  
James Hasell, 1765.  
Martin Howard, 1766-76.





## CHAPTER VI

### BEGINNINGS OF PERMANENT SETTLEMENT IN ALBEMARLE

Conditions in America.—Virginia under the treaty with Parliament.—Roger Green's explorations.—The king of Roanoke Island.—Permanent settlement on the Carolina Sound.—The Restoration.—The Cape Fear explored.—Berkeley receives instructions as to Carolina.—The name Albemarle.—The Quakers.—The grant of the Lords Proprietors.—William Drummond, governor of Albemarle.—The second grant.

#### Conditions in America

The disturbed condition of England prior to her civil war led to an immense emigration to the New England plantations, and at the close of that period of unrest, marked by the execution of the king in 1649, settlements had extended into Rhode Island, Connecticut and New Hampshire. Maryland also had prospered, and Virginia's population, which in the first years after settlement increased but slowly, numbered twenty thousand souls, and extended far into the interior and well along the sluggish waters of the Nansemond.

The region south of the thirty-sixth parallel, which under the name of Carolana had, in 1629, been granted by King Charles I to his attorney-general, Sir Robert Heath, had not been settled; and the wilds of Carolana remained unoccupied save by the copper-colored aborigines.

While the civil war was raging at home, the Puritans of New England adhered to Parliament, but Virginia remained faithful to the Crown, winning by her loyalty the name of the Old Dominion; and upon the death of his father, Charles II, then in exile, transmitted to Sir William Berkeley, who had been the royal governor for a decade, a new commission confirming his authority.

#### Virginia under the treaty

Parliament, however, was not indifferent to the attitude of those colonies that continued to sustain the monarchy, and its power being fully established at home, in convenient



1652

season took measures to assert its supremacy in Virginia. On one hand, it threatened war; in the other it held out the olive branch of peace, offering terms that could hardly be refused. The Old Dominion preferred peace, and a formal treaty was agreed to in 1652 that secured to Virginia almost complete independence. The Assembly obtained the right of choosing all the officers of the colony, including the governor, who had formerly been appointed by the Crown, and of defining their duties and privileges. It also secured the high power of regulating commerce, and, without regard to the British navigation acts, it declared that trade should be absolutely free with all nations at peace with England. The right of suffrage was extended to all freemen, and "Dissenters" had full religious liberty; but under one clause of the treaty the prayer-book was not to be used in the churches. Of churches, there were none except in the very heart of the colony, and ministers were so few that a bounty was offered for their importation.\*

Bancroft,  
I, 231

Thus between the treaty of peace, in 1652, and the Restoration, in 1660, the Old Dominion enjoyed a republican government, and local independence. Indeed, Virginia has the distinction of having been the first community in the world whose government was organized on the principle of manhood suffrage, where all freemen, without exception, had an equal voice in the government, and their representatives chose the administrative officers and controlled public affairs. It was near the close of a decade of growth under the favorable influences of virtual independence, that the increasing population led to an overflow of the inhabitants into the territory north of the Albemarle Sound, and perhaps the movement was quickened by some apprehensions that the downfall of the Commonwealth, then imminent, would usher in a new era of religious intolerance.

#### Roger Green's exploration

The Nansemond penetrates near to the head waters of the Chowan, and before 1653 Roger Green† had explored

\*In 1658, while the Dissenters still held sway, Quakers were banished.

†Roger Green is mentioned as "Clarke," by which he is understood to have been a clergyman, and it may be, if he was a member of the



that fertile region, and some of the inhabitants of Nansemond were considering a removal to that attractive country. Green obtained from the General Assembly of Virginia a grant of ten thousand acres for the one hundred persons who should first seat on the Roanoke and on the lands on the south side of the Chowan; and "as a reward for his own first discovery and for his encouraging the settlement," he was granted a thousand acres for himself. But while his enterprise may have led to the subsequent settlement, no memorial of his being concerned in it has come down to posterity. The waters of the great sound had been explored and were well known to Virginians, and about the year 1646 two expeditions had been made from Virginia against the Indians on the sound: one by land, under General Bennett, and the other by water, under Colonel Drew. Drew's vessels entered Currituck Sound and proceeded as far as the Chowan River. At the mouth of Weyanoke Creek he had an encounter with the Indians, with whom, however, he soon established a peace; and shortly afterward Henry Plumptre, who had been on that expedition, together with Thomas Tuke and several others, purchased from the Indians all the land from the mouth of Roanoke River to Weyanoke Creek. But they did not take possession, and no settlement was made at that time.

1655  
Bennett and  
Drew in Carolina, 1646

C. R., I, 576

In 1654, Francis Yardley, then governor of Virginia, mentioned in a letter that small sloops were employed in visiting the sounds of Carolina, and in hunting and trading for beavers. In that year such a vessel, having left a couple of her crew near Lynnhaven, where Yardley resided, he sent his son and some other men to hunt for the sloop. These visited the ruins of "Sir Walter Raleigh's fort" on Roanoke Island, then in a good state of preservation, and had friendly intercourse with the king of the Roanoke Indians, whom they induced to visit the governor at his home. When the king of Roanoke came to Lynnhaven, he brought with him his wife and one son, and during their sojourn

Explorations, 1654

The king of  
Roanoke  
Island

Church of England, he was seeking to lead his flock to new homes, where they could use the prayer book without restraint.





1654

Hening's  
Statutes

there they all accepted Christianity and were baptized. Yardley sent six carpenters to Roanoke Island to build an English house for the king, whose son remained at Lynnhaven to be taught to "read out of a book." With the co-operation of this king, an extensive exploration was then made throughout the eastern portion of Carolina, where a Spaniard was found living among the Tuscarora Indians, and a purchase was made from the Indians of the territory drained by three rivers, covering a large scope of country, which probably lay north of Albemarle Sound. There were further explorations, and in 1656 the General Assembly of Virginia commissioned Colonel Thomas Drew and Captain Thomas Francis to make discoveries between Cape Hatteras and Cape Fear.

#### Permanent settlement on the Carolina Sound

1656  
The Recha-  
hecrians

But whatever settlement was then in contemplation, it was probably arrested by an outbreak of the Indians, who now began active hostilities on the northern confines of Virginia. In 1656, several fierce tribes, known as the Rechahecrians, several hundred strong in warriors, established themselves near the falls of the James, and in a great battle defeated the forces sent against them. But while this disaster and the Indian depredations to the northward for a time checked any movement to establish distant plantations in the wilderness, yet when peace was restored and the desire to seek new locations again began to be felt, the favorable situation of the region bordering on the Carolina Sound speedily attracted the attention of the adventurous pioneer. On the south it was protected by the wide sound; on the north and east the Indians were but few and had much intercourse with the whites; on the west were the Tuscaroras, who although a strong and brave nation, were not unfriendly in their disposition. Their hunting grounds that lay southward toward the Neuse had not been encroached upon, while many traders, trafficking in their furs, supplied them freely with those commodities they desired. Distant from the vicinity of the fierce and troublesome tribes of the upper James, the mild climate and fertile soil of the region



bordering on the landlocked sounds near Nansemond offered many inducements to settlers, and so it came about that in 1659, or thereabouts, the permanent settlement of Carolina began. It was a movement so natural that the particulars are not recorded in the local annals of the time. A few active spirits, perhaps more adventurous than their neighbors, resolved to make new homes in a more attractive locality. It was no great company, perhaps a dozen or twenty men, who may have come from Nansemond through the wilderness, or may have brought their supplies and implements for house building by water from some convenient point in Virginia. The roll of these companions in the enterprise of establishing "new plantations" to the southward has not been preserved, and only incidentally have the names of some of them been recorded. All we know is that they came not as conquerors, writing their names in blood on the scroll of Fame, nor yet were they exiles from the habitations of mankind for conscience' sake. It was a time of peace in Virginia, when the freemen still governed themselves, chose their own officers and made their own laws. It was not oppression that drove these first settlers into the wilderness. They were not discontented with the democratic-republican institutions under which they were living. They were not fleeing from the ills of life, nor plunging into the primeval forest to escape the tyranny of their fellow-men. But they were bold, enterprising, hardy Virginians, nurtured in freedom's ways, who were wooed to this summer land by the advantages of its situation. The movement involved no great change. It was merely a removal of a few miles beyond the outlying districts of Nansemond, with water communication to the marts of trade on the Chesapeake. Nor did they come without the sanction of the Indians, who were to be their neighbors in these "new plantations." They bought their land from the king of the Yeopims with the consent of his people, and their doorsills were not stained with blood, nor were their spirits tortured with apprehensions of butchery. They came in peace and were received as friends by the native inhabitants who surrounded them. Among the earliest who were seated were

1659

Permanent  
settlement,  
1659Reasons for  
settlement



1661  
Durant,  
1662

John Battle, Dr. Thomas Relfe, Roger Williams and Thomas Jarvis; and with the first who came was George Durant, who, however, did not select a plantation at once, but spent two years in exploring, and bestowed much labor and cost in finding out the country, with its rivers, channels, passages, and conveniences, and then he bought from Kilcocanen, king of Yeopim, with the consent of his people, a tract on Roanoke Sound, upon a point then known as Wikacome, but ever since called Durant's Neck. This conveyance bears date March 1, 1661, but as the English year then began on March 25th, that date may answer to March, 1662. In this deed, Kilcocanen mentions that similar purchases had previously been made by other settlers; and a few months later Durant purchased a second tract from the friendly king of the Yeopims.\*

Durant at once began his clearing, and as the location of any previous settlement has not been ascertained, Durant's Neck is the oldest known clearing in Albemarle.

Quickly after the arrival of these first pioneers others were attracted to the "new plantations." Lawson, writing about fifty years later, mentions that "the first settlement was by several substantial planters from Virginia and other plantations; and the fame of this newly discovered country spread through the neighboring colonies and in a few years drew a considerable number of families to join them." Among those who followed, buying Indian titles, were George Catchmaid, of Treslick, Gentleman; John Harvey and Captain John Jenkins.

1665

Thomas Woodward, the surveyor-general and a member of the council when the government was first established in Albemarle, writing to the Proprietors on June 2, 1665, refers to the quitrent exacted by them, and says that the people will not "remove from Virginia upon harder conditions than they can live there . . . it being land only that they come for." Woodward also mentions that he had been many years endeavoring and encouraging the people to seat Albe-

\*Recorded in Book A, Perquimans County Records.





marle, and that "those that live upon a place are best able to judge of the place, therefore the petition of the General Assembly that was here convened will deserve your Honor's serious consideration."

1665  
C. R., I, 100

It appears that the people were drawn to Albemarle because of the land, but protested against paying a higher quitrent than was exacted of them in Virginia, and they gave expression to their wishes in a petition of the Assembly at the first session held in Albemarle.

These early purchases were made on the supposition that the lands were beyond the limits of Virginia, and the first settlers probably thought they would be free from the payment of quitrents and other public charges. They believed themselves outside the bounds of the Old Dominion and within the wilds of Carolina. Of Carolina the Commonwealth had taken no notice, but now the Commonwealth itself had passed away, and the change in the mother country inaugurated changed conditions in the forests of the Roanoke.

The Restoration

The House of Commons, that half a century before had emphasized, by the Petition of Right, its unswerving and resolute purpose to maintain constitutional liberty, was the wealthiest body that had ever assembled in England. It fully represented in the purses of its members the property of the kingdom. After varying developments, active hostilities subsequently began between the Long Parliament and the king, and in the course of the struggle the army under the control of the Independents came to be the ruling element, Oliver Cromwell, as its general, attaining supreme power. By excluding a large number of the House of Commons; by abolishing the House of Lords; by parcelling out England into satrapies governed absolutely by his major-generals, who systematically levied forced contributions from the inhabitants, and by controlling parliaments at will, Cromwell laid the foundation for a widespread sentiment in favor of a return to the old constitution. In deference to



1660

this public demand, he contrived a simulation of the three estates, and he himself became Protector, representing the sovereign; and in semblance he established a House of Lords, appointing to it nobles of his own creation. But the military influence controlled by the Independents dominated, and the discontent continued to grow in volume and intensity. Property that had opened the struggle with Charles I now cast about for some hope of security, and the Presbyterians equally with the Churchmen were ready to try the Stuarts once more as an escape from the domination of the Independents. Such were the conditions on Cromwell's death, when his son Richard succeeded to his office, but could not wield his power. The army, recognizing Richard's feebleness, fell away from him, and Cromwell's system, losing its military support, tottered to its fall. The end of the protectorate had come. At a call from the army the "bloody rump," which Cromwell had disbanded and suppressed, again met, while cries for a free Parliament rang throughout the kingdom. General Monk, in command of the forces in Scotland, maintaining an impenetrable silence, twice purged his army of Independent zealots, and marched rapidly to London, where he arrived in February. Under the lead of Ashley Cooper, a man of great wealth and of superior talents, who had espoused the cause of constitutional liberty but had separated himself from Cromwell's government, the majority of the Long Parliament who had been ejected by Pride's Purge, after many years of exclusion, in March, 1660, forced their way back to their seats, and after calling for the election of a new Parliament, adjourned *sine die* that body which had survived through so many years of turmoil and revolution. The new Parliament, known as the "Convention Parliament," met on the 25th of April. Ashley Cooper hastened with a delegation to Holland to invite Charles to occupy his throne. Monk, still sphinxlike, controlled his fifty thousand red coats—the uniform of Cromwell's Ironsides—who, appalled, in gloomy silence submitted to the complete and final overthrow, by their own general, of the



power they had so long wielded in governing the Commonwealth. Within a month Charles had landed, largely owing his restoration to Ashley Cooper's management and to Monk's resolute control of the hostile army; to Clarendon's counsel, and to the fidelity of loyal friends, who never forsook his cause.

### The Cape Fear explored

While these events were stirring England to its very foundation, and, by the overthrow of the Independents, the suppression of the Republicans and the restoration of the monarchy, had prepared the way for a new exodus from the mother country, perhaps because of the favorable reports spread abroad concerning the summer land of the "new plantations," attention was drawn to Carolina as a desirable location for a new colony. From the north and the south alike now came explorers. Massachusetts had at different times projected colonies to the southward, and her vessels traded along the coast and up the Chesapeake, and after an exploration of the Cape Fear River, perhaps as early as 1661, an association was formed in Massachusetts to establish a plantation there, and the assistance of some London merchants was invoked with the expectation that they would supply the needed capital. But if New England was looking to a more temperate climate with a view to colonization, there were adventurers at Barbadoes who were likewise casting longing eyes to the shores of Florida, as they then usually called Carolina. Barbadoes had been settled by the English in 1625, and during the civil war many Royalists found refuge there, and a considerable number of prisoners taken in battle were transported thither, so that the population had become numerous, and some of the more active spirits were intent on bettering their fortunes in a new settlement. Captain William Hilton, with his vessel, the *Adventure*, was despatched by John Vassall and others from Barbadoes to explore the Carolina coast, and he had ascended





1663  
 Letter of  
 P. Colleton,  
 August 12,  
 1663,  
 C. R., I, 39

New  
 Englanders  
 on Cape  
 Fear

the Cape Fear and had made a favorable report of it. Shortly afterward the first of the proposed settlers from New England came to the Cape Fear, but perhaps because Hilton had made his exploration and their title would be disputed, without locating permanently they turned loose their cattle on the cape, and having deposited in a box a paper writing in which they sought to disparage that region, they returned home and spread evil reports of both the soil and the harbor. Some other vessels had followed them from New England, but these also returned without making a settlement.

#### **Berkeley receives instructions about Carolina**

C. R., I,  
 36 et seq.

While these movements looking to a settlement in Carolina were in progress, Sir William Berkeley was again governor of Virginia. That devoted loyalist had been removed from office when the Old Dominion yielded to the authority of Parliament in 1652, but after the abdication of Richard Cromwell and before the Restoration, he had been elected governor by the General Assembly, and was holding his office at the will of the Virginians when Charles regained his throne. The following year he visited England to pay his court to the restored monarch, returning to Virginia in November, 1662.

While in England he represented the situation of the settlers on Carolina, or Roanoke Sound, as it was sometimes called, who had purchased their lands and received deeds from Kilcocanen, and regarded themselves as beyond the borders of Virginia, and he received particular directions to ignore the Indian titles and to require the inhabitants who had settled there to take out patents from him under the Virginia laws. Pursuant to this authority, immediately on his return, in the autumn of 1662, Sir William announced that the inhabitants on Roanoke Sound should no longer hold under Indian titles, and he required all who had seated land in the "new plantations" to take out patents from him



and pay the usual quitrent. Patents were at once taken out by Thomas Relfe for lands on the south side of Pasquotank River adjoining Thomas Keele's land; and by Robert Peele for land on Pasquotank River; by John Harvey for land on Chowan River, and another patent for two hundred and fifty acres by John Harvey on the River Carolina adjoining Roger Williams's land, Harvey having brought seventeen persons into the colony; by Captain John Jenkins, who had brought in fourteen persons, for seven hundred acres, being a neck bounded on the south by the River Carolina and on the north by Perquimans River and on the west by the great swamp that divides it from Thomas Jarvis's land; and by George Catchmaid for fifteen hundred acres adjoining Captain Jenkins, who brought in thirty persons. Dr. Relfe had brought with him fifteen persons, and the others a greater or a less number.

1662

Early  
Settlers

Another patent was issued to George Catchmaid for Durant's Neck, including George Durant's land. Durant had induced Catchmaid to come and seat adjoining his premises, and when Berkeley's instructions were made known, Catchmaid undertook to obtain a patent for Durant as well as for himself, but instead of doing so, he took out one patent covering both premises. He thereafter executed an agreement to make a conveyance to Durant, which led to a lawsuit, the record of which is full of historical interest.

C. R., I, 59  
*et seq.*MSS. Office  
Sec. of State

Doubtless there were many other such patents issued to those who had purchased Indian titles; but these serve to preserve the names of some of the earlier settlers, and they show that they did not come empty-handed, but, as Lawson says, they were men of substance, each attended by a considerable retinue of servants. George Durant came to be one of the most influential inhabitants of Albemarle.

George Catchmaid, Gent., of Treslick, became the first speaker of the Assembly and his widow married Timothy Biggs, who afterward became one of the early Quakers and



1663

was the first surveyor of customs. John Jenkins became governor, as did John Harvey; Dr. Thomas Relfe attained the age of ninety, and has descendants still living in Albemarle, and Thomas Jarvis was deputy governor, 1691-94, and there are Peeles also in that section, and many Battles in the State. A little later Roger Williams's executrix married Edward Haswell. There are two grants on record for land embraced in two of the above patents, one to Thomas Relfe, the other to John Harvey, adjoining the lands of Roger Williams, for which a grant was issued sixteen years later to John Varnham, being near Skinner's Point, formerly known as Moseley's Point.

Local names

It will be observed that in these patents issued before the end of September, 1663, by Governor Berkeley, the sound itself, once called Roanoke Sound, was designated as the Carolina River, its mouth being at the inlet. In London the Proprietors named it the Albemarle, saying that it had been the Chowan River, and Colleton Island was near its mouth; while the Roanoke, the Chowan, Pasquotank and Perquimans rivers were already known by those names.

Grant of  
Colleton  
Island to  
Sir John  
Colleton,  
C. R., I,  
54, 55, and  
the grants to  
Harvey and  
others,  
59 *et seq.*

The only inlet mentioned at that time was Roanoke, in the vicinity of Colleton Island; but Ocracoke Inlet was then known to exist, and it was thought to be a bolder one than Roanoke. By that time the old Hatteras and Croatan inlets had closed; and a new breach had broken through the banks opposite the upper portion of Roanoke Island.

### The Quakers

So far as the records show, the actual settlement began about 1659, about the time when New England and Virginia were frowning at the new sect, the Friends, then attracting attention because of their stubborn opposition to some of the established usages of society and government. But that was a coincidence rather than cause and effect. At that time the number of Quakers in Virginia must have been very small. The Society of Friends was introduced into that colony by Elizabeth Harris, who arrived in 1656, and,





remaining but a few months, returned to England the next year. In March, 1660, the General Assembly prohibited any Quaker from coming into the province, and that adverse legislation extended to the Albemarle region equally with the other portions of Virginia. Nor, indeed, did any Quakers come to Albemarle seeking refuge and a haven. Ten years after the settlement, Edmundson came from Virginia to Carolina and reached the place he intended, Henry Phillips's house, by the Albemarle. "He and his wife," wrote Edmundson in his journal, "had been convinced of the truth in New England, and came here to live, and, not having seen a Friend for seven years before, wept for joy to see us." Up to 1672 Phillips and his wife were the only Quakers in Albemarle. On the other hand, it affirmatively appears that the settlement was brought about by the ordinary inducements of a favorable location, as Lawson expressly states; and it may be that the Albemarle country offered some inducements in the way of security against the hostility of the Indians, whose depredations had checked the expansion of the colony on the James. The savages beyond Nansemond were not so numerous and were more gentle, and the great sounds afforded protection from the southward; while Fort Christiana, on the upper Meherrin, gave security from that quarter. There was, however, a breadth of some thirty miles intervening between the inhabited parts of Virginia and the Albemarle settlement where the Indians roamed at will.

1673  
Edmundson's Journal, 1671-72

#### The grant to the Lords Proprietors

Seeing that the time was ripe for colonizing Carolina, Governor Berkeley doubtless conceived the idea of securing some advantage from it for himself and others who had suffered because of their loyalty to their sovereign. Application was made to the king for a grant of Carolina to Sir William, his brother, John Lord Berkeley, Sir John Colleton, then at the Barbadoes, who had spent £140,000 in the king's cause, and a number of other gentle-



1663

The  
Proprietors

men whose valuable services the king might well have rewarded by such a princely gift; and on March 24, 1663, the grant was secured. The grantees were persons of the highest consequence. Edward Hyde, Earl of Clarendon, the most illustrious of the king's friends, whose daughter had married the king's brother; General Monk, who, having restored the monarchy and placed Charles on the throne, had been created Duke of Albemarle; William Earl of Craven, a military officer of great merit, who had advanced large sums to Charles; Ashley Cooper, afterward created Earl of Shaftesbury, who had led the Parliament, as Monk had controlled the army; and Sir George Carteret, esteemed the best seaman of his day, who, like Colleton and the two Berkeleys, had ever been devoted to the fortunes of the Stuarts.\*

Their  
powers

These grantees were constituted absolute Lords Proprietors of Carolina, with full powers of government such as appertained to the Palatine County of Durham, and to create dignities, the grant being similar to that of Sir Robert Heath, the only limitation being that the laws should not be repugnant to the laws of England. Six weeks after the grant was issued the Lords Proprietors held their first meeting and formed a joint-stock company, and provided by general contribution for transporting colonists and for the payment of their expenses. But as soon as publicity was given to the issuing of this grant, its validity was questioned because the same territory had formerly been bestowed on Sir Robert Heath; and Samuel Vassall claimed that he had an assignment from Sir Robert for the southern half of Carolina for a term of years not then expired, and Sir Robert Greenfield's heirs claimed the other half; while the heirs of the Duke of Norfolk declared that Sir Robert took his grant originally in trust for their ancestor; and Maltravers, Earl of Arundell and Surrey, likewise set up an interest. There is some reason to believe that in 1639 a permanent settlement

\*Lord John Berkeley and Sir George Carteret also became the owners of New Jersey in 1664.



was attempted. William Hawley appeared in Virginia as governor of Carolina, and leave was granted by the Virginia legislature that he might colonize it by carrying a hundred persons from Virginia, freemen, being single and disengaged from debt, and it was said that Arundell was at considerable expense in planting several parts of the country, but was prevented from accomplishing his design by the civil war breaking out in England. The assertion of a title older than the grant to the Lords Proprietors interfered with their contemplated arrangements, and at their instance the grant to Sir Robert Heath was annulled by the Privy Council; but notwithstanding this proceeding, the title to Carolina years afterward was claimed by Dr. Coxe, who in a memorial to King William III traced his right through different conveyances, and who declared that he had explored and surveyed a large portion of the country, and his son, Daniel Coxe, published an account and map of the territory, which he still called *Carolana*.

1663

Bancroft,  
I, 130

#### William Drummond governor of Albemarle

As soon, however, as the title of the Proprietors was assured, in September following, they vested in Sir William Berkeley the power to appoint a governor for all that part of their province which lay on the northeast side of the River Chowan, now named by them the Albemarle River, the Proprietors being aware that settlements had been made in that territory. This, then, is the date of the first use of the name Albemarle in connection with Carolina. The Proprietors, in September, 1663, changed the name of "Chowan River," by which they meant "the waters of the sound as far as Roanoke Inlet," to Albemarle River, while the same expansive waters had also been called the Carolina River; and earlier, the Roanoke River. The date when Governor Berkeley discontinued issuing patents for land in Albemarle in the name of the king under his instructions as governor of Virginia was apparently December 25, 1663; after that the patents for land there were issued under the direction

Albemarle  
named,  
Sept., 1663





1664

C. R., I, 238

Drummond  
governor,  
Oct., 1664

C. R., I, 93

of the Lords Proprietors as being in Carolina. The first patents, being under the Virginia law, reserved a rent of one farthing per acre, according to the Virginia custom; those issued after December 25, 1663, under the instructions of the Lords Proprietors, were at the greater rate of half penny per acre. But although Governor Berkeley had been issuing patents for the land on the Albemarle as subject to his authority as governor of Virginia, and as not being within the limits of Carolina, yet after the grant to himself and associates he seems to have refrained from asserting the claim of Virginia to the plantations on the Chowan and Pasquotank and to have allowed the Lords Proprietors to proceed as if that territory were within their domain. He visited the new settlement the following summer, and conformably to their direction, appointed necessary officers and organized the government, and he either appointed William Drummond, a Scotchman, then a resident of Virginia, to be the governor, or recommended him for that post. The Lords Proprietors having speedily considered plans for the government of their province, determined to form counties forty miles square, each of which was to have its own governor; and they proposed to lay off such a county on the Chowan and to call it Albemarle. It is probable that in October, 1664, they gave effect to this purpose, and at that time made out and transmitted to Drummond his commission as governor of the county of Albemarle, for on January 7, 1665, they mentioned in a letter to him that they had previously sent him by Peter Carteret his commission as governor of Albemarle County, but had by mistake stated that it was to contain forty square miles instead of being forty miles square; and their plans seem to have contemplated that the term of office for the governor should be three years; and in October, 1667, a successor was appointed to Drummond. Later, one Nathaniel Batts was mentioned as having been governor of Roanoke, and he may have been appointed to that office by Governor Berkeley under the instructions of the Lords Proprietors, Roanoke Island not being within



Albemarle County as originally laid off, and authority having been given to Berkeley to establish two separate governments, one for each division of territory.

1665

#### **The second grant**

Probably it was in connection with the organization of the new government that attention was sharply drawn to the fact that the Albemarle settlement was not in Carolina, but was really within the boundaries of Virginia. The Lords Proprietors, becoming aware that the limits of Carolina just touched the northern shore of the sound and did not embrace the plantations that had been settled, hastened to apply to the king for an extension of their grant some thirty miles further northward, and on June 30, 1665, the king was pleased to make this addition to their possessions, and issued a second grant or charter, extending Carolina to 36 degrees 30 minutes north latitude, which has ever since been the dividing line between the two territories; and also extending it two degrees further to the southward.



## CHAPTER VII

### SETTLEMENT ON THE CAPE FEAR

The settlement on the Cape Fear.—Hilton's explorations.—The New England Association.—The first settlement.—Sir John Yeamans, governor.—Conditions at Charlestown.—Yeamans sails from Barbadoes.—An Assembly at Cape Fear.—An Indian war.—Dissatisfaction.—The Cape Fear River abandoned.—A new Charlestown on Ashley River.—Slavery in the colonies.—The Indian inhabitants

#### The settlement of the Cape Fear

1662

Hilton  
makes a  
second  
expedition

October,  
1663

C. R., I, 71

The evil reports set afoot in 1662 by the New Englanders in regard to the Cape Fear soon reached Barbadoes, and the persons there who had in contemplation a settlement on that river thought it expedient, before proceeding further, to cause a more particular investigation to be made of that locality. Colonel Modyford and John Vassall, the chief promoters, again engaged the services of Hilton, who with Anthony Long and Peter Fabian, as representatives of the association, in August, 1663, set sail on the *Adventure* upon a new mission of discovery and particular exploration. They skirted the coast from September 29th to October 2d without finding an entrance, and when they were in the vicinity of Cape Fear a violent storm came up, and they were carried by the strong current of the Gulf Stream nearly up to Hatteras. Returning, they reached the outer roads of Cape Fear on October 12th, and then visited the cape, expecting to find the cattle left there by the New Englanders. But the cattle could not be found. Doubtless the Indians had feasted upon them. A fortnight later they entered the harbor, and finally came to anchor at the junction of what they called the Main River and Green River, where the town of Wilmington now is. They ascended in their boats the northeast branch, naming certain localities Turkey Quarter, Rocky Point, and Stag Park; and likewise the northwest branch, and Clarendon River, which they called





Hilton; and while they found much poor land and many pine barrens, and along the streams extensive marshes, on the whole they were pleased with the locality as being suitable for a settlement. Indeed, no region is more attractive than the Cape Fear in autumn. The soft, moderate climate, the fine vegetation, the numerous flowers, the towering pines, were all calculated to impress the explorers most favorably. After a delightful experience of six weeks spent in exploration, they turned their backs and dropped down to Crane Island, about four leagues from the entrance of the harbor, where they purchased the river and the adjacent land from Wat Coosa, the king of the neighboring Indians, and his chief men, and established friendly relations with them. On December 4th they weighed anchor and turned their prow southward for Barbadoes, where they arrived after a perilous voyage of sixty days. In their report they strongly denounced the disparaging statement made by the New Englanders concerning the Cape Fear lands, and they gave a renewed impetus to the projected enterprise.

But while these steps were being taken at Barbadoes, the New England Association had not remained inactive. Still purposing to establish a colony on the Cape Fear, they sought the aid of London merchants to furnish means and supplies, and to secure settlers from England, and were taking measures to make the enterprise a success. Such was the situation when it became known that Carolina had been granted to the Lords Proprietors, and that terms of settlement and title must be obtained from them.

When this information was received, the London adventurers who were associated with the New Englanders hastened to apply to the Lords Proprietors for the terms on which a settlement could be made, and obtained assurances of liberal treatment. The Proprietors, however, claimed the privilege of appointing the governor, and this was not satisfactory to the New Englanders, who had always enjoyed the right of choosing their own governors, and objected to any other mode of appointment. But this difference it



1663

was hoped might be reconciled. Indeed, the Proprietors were eager to promote the settlement of their possessions, and were active and energetic in doing so, considering the pressing demands upon them of their high public employment.

C. R., I, 39

The  
declarations  
and  
proposals

Hardly had they entered upon their negotiations with the New Englanders, however, when on August 12th they received a communication from Barbadoes, signed by Colonel Thomas Modyford and Peter Colleton, who were cousins of the Duke of Albemarle, detailing the designs of the Barbadoes adventurers and applying for terms of settlement. With these two applications pending, the Proprietors, buoyant with the prospects, hastened to respond, and on August 25th they published their first declarations and proposals to all that will plant in Carolina. They authorized that the first settlement should be on Charles River, as Cape Fear River was then named; and announced that the colonists were to make their own laws by their assemblymen, by and with the advice and consent of the governor and council. Freedom and liberty of conscience in all religious and spiritual things were absolutely granted. They sought particularly to satisfy the New Englanders, who, being Independents, demanded the right of electing their governor and all other officers, by agreeing that the settlers, before embarking, should present to them the names of thirteen of the actual settlers, of whom one would be selected for governor, and six more for the council; and at the end of every three years the inhabitants should in like manner present thirteen persons from whom the governor and council should be selected.

C. R., I, 43

But even this was not satisfactory to the London agents of the New Englanders, who insisted that the governor must be elected by the people. The Proprietors, however, disregarded this demand, and, hopeful of final acquiescence, sought to consolidate the different interests, and to have the adventurers or promoters at Barbadoes associate with them those in New England and such persons in London, the



Bermudas and other islands in the Caribbean Sea as could be induced to engage in the enterprise.

These efforts were in some measure successful. The conflicting claims of New England and Barbadoes were reconciled, and an association, of which Henry Vassall was the London agent, was formed to make the settlement. Vassall with much persistency continued negotiations for better terms, and finally secured concessions which he thought would be acceded to, and transmitted them to Barbadoes. The promoters at Barbadoes now applied themselves with such diligence to the work of preparation that on May 29, 1664, the first instalment of colonists disembarked on the banks of the Cape Fear and established themselves at the mouth of the creek since known as Old Town Creek. and thither soon came accessions from New England, and the settlement was apparently on a permanent and solid basis. The river as early as August, 1663, was called the Charles River, in honor of King Charles, and the new town was named Charlestown. Five months after this settlement, in October, 1664, at the time when the county of Albemarle was laid off, the county of Clarendon was established on the Cape Fear, and John Vassall was appointed surveyor and Robert Sanford register of that county.

May 29, 1664  
Settlers  
from New  
England  
and  
Barbadoes

C. R., I, 156

County of  
Clarendon

But among the Barbadoes adventurers were some who were not favorable to the location on the Cape Fear, and preferred a settlement further to the southward. The Proprietors themselves entertained similar views, and dwelt upon the necessity of establishing a colony at Port Royal. While willing to foster all projects, they regarded with particular favor this new movement. Chief among the promoters of it were Colonel John Yeamans, his son, Major William Yeamans, Colonel Edward Reade and Captain William Merrick, and these and their associates were supposed to have the greatest influence at Barbadoes. Sir John Colleton, one of the Proprietors who had resided in that island, was a staunch friend of Colonel Yeamans, and recommended that he should be selected to manage the details of

C. R., I, 75





1664

organizing the colony. Resolved on this course, the Proprietors ignored the negotiations they had had with Henry Vassall as the agent of the association for the settlement of Cape Fear and determined to treat with Major William Yeamans, who, in the name of his father and eighty other adventurers, made proposals for the exploration of the coast and for establishing a colony further to the southward.

C. R., I, 94  
Yeamans  
governor  
of  
Clarendon  
County

The negotiations being concluded, the Proprietors, in order to strengthen the probabilities of success, sought and obtained knighthood for Colonel Yeamans, who at their instance was created baronet, and on January 11, 1665, they appointed him governor of Clarendon County and of all of Carolina to the southward and commissioned him lieutenant-general, and invested him with full powers of control. Contemporaneously with this appointment, the Yeamans association, including some who had been interested in the colony already settled on Cape Fear and other associates in England, New England, the Leeward Islands and the Bermudas, agreed on their part that before the last day of September, 1665, they would provide two ships with ordnance and munitions and provisions to make a settlement south of Cape Romania, there to settle and erect a fort. These measures being taken looking to colonization, the Lords Proprietors now promulgated their "concessions" and agreement with all who should settle at Albemarle, at Clarendon, and at a county to be established further south, which was to be called Craven.

C. R., I, 78

C. R., I, 79

"The Con-  
cessions"

#### Conditions at Charlestown on Cape Fear

C. R., I,  
154-156

The Vassall colony at Cape Fear had now been seated a year and a half, and the additions had been so considerable that a publication intended to promote it claimed that the population was already eight hundred. It is said they brought with them from the Barbadoes cotton seed, which, with corn and pulse, they planted; and that in their clearings they felled much timber, which was profitably shipped to Barbadoes; and they erected their houses and built forts, and



made much progress toward establishing permanent plantations. But despite the influx of population, they were still dependent on others for provisions, clothing, and necessaries. Besides, they had early incurred the enmity of the Indians by sending away some of the Indian children under pretence of instructing them in learning and in the principles of the Christian religion; and although the Indians had no guns, only bows and arrows, they annoyed the settlers and killed their cattle. The fall of 1665 thus found them in a bad case, in want of provisions, clothing and munitions, but they were hopeful of speedy relief and were anxiously expecting the arrival of the governor with needed succors.

1664

Lawson, 127  
C. R., I, 137

### Yeamans sails from Barbadoes

For some time great preparations had been making at Barbadoes to carry into effect the agreement with the Lords Proprietors. Sir John Yeamans had secured a frigate of his own, the associated adventurers purchased a sloop, and the Lords Proprietors bought a fly-boat, the *Sir John*, of one hundred and fifty tons, which were to be used in the expedition. On the fly-boat were stored the munitions and the provisions and the armament for the fort, a part being twelve cannon, a present from the king. By October, all being in readiness, the governor and his little fleet set sail for Cape Fear. On the way the vessels were separated by a great storm, in which the frigate lost her mast and came near foundering. But eventually, early in November, they all came to anchor before the mouth of Charles River. Suddenly, however, a fresh gale swept them from their insecure anchorage and drove them to sea; and upon their return the *Sir John* stranded upon the outer shoals of the bar, where she was soon broken to pieces by the violence of the waves. Those on board fortunately were saved; but the provisions and clothing, the magazines of arms, the powder and the king's cannon were all lost.

The king's  
giftNovember,  
1665  
C. R., I, 119

Undismayed by his misfortunes, Yeamans began at once to repair his frigate, which with the sloop had gotten safely



1665

into the river, and proposed to send her back to Barbadoes for recruits, while he awaited the result of an exploration to the southward by Robert Sanford in the sloop. But the necessities of the colonists, heightened by the loss of the provisions on the fly-boat, led to a great clamoring that the sloop might be sent to Virginia for their immediate relief. To this Sir John assented, and having arranged for the exploration to be made later by Sanford, he himself returned to Barbadoes in his disabled frigate. The sloop reached Virginia and obtained a supply of provisions, but on the return voyage it was driven on shore at Cape Lookout by a violent storm and was cast away. All of the crew except two, however, escaped in their boat, and after many perils contrived to reach the plantations on the Chowan.

#### An Assembly at Cape Fear

C. R., I, 246  
1665 or 1666

While Sir John was still at Charlestown, probably in December, 1665, an Assembly was held for Clarendon County, he and his council participating; and an address was prepared to be sent to the Lords Proprietors detailing the grievances of the colony and asking for redress. Although Sir John at first agreed to join in this petition, at the last he withheld his signature. In it the Assembly, of which John Vassall seems to have been speaker, and the council complained of the terms set out in "the concessions"; that the rent was too high; that the method of laying off the land was not satisfactory; and that the penalty of forfeiture if a man were not kept on every hundred acres was unreasonable. They rehearsed that they had come to Cape Fear notwithstanding the obloquy resting upon it, and were promised large holdings of land by those acting for the Lords Proprietors; that after they had embarked upon the enterprise the negotiations with their agent for terms had been interrupted by the agreement made with Major William Yeamans, and now that misfortune had overtaken those acting under that agreement they had lost all interest in sustaining the colony. They therefore prayed that the negotiations





which had been interrupted might be again taken up "with us and with the adventurers of Old and New England"; and they promised, "when supported by freedom, to trample on all difficulties." And they warned the Proprietors that, being deserted by all, only ruin awaited them, and that they were utterly unable either to proceed or retire without aid, and this they could hope to receive only upon obtaining the terms originally asked.

From this address and other circumstances it appears that the settlement had been chiefly made from New England, and that when the Proprietors declined to allow them to elect their own governor the New England association refused to proceed; while the adventurers at Barbadoes chiefly looked to the proposed settlement further to the southward. Such was the situation of the colonists in the winter of 1665, eighteen months after the first landing, when Sir John Yeamans was for a short time at Charlestown: the Indians hostile, their cattle being destroyed, constantly menaced by danger, provisions scarce, clothing needed, and influences preventing supplies being furnished them, while they themselves were dissatisfied with the terms of settlement offered by the Lords Proprietors. Still, there was some trade, the colonists having lumber to send out, and an occasional vessel visited Charlestown; and one evening in June, Robert Sanford together with some seventeen other inhabitants sailed southward, exploring the coast as far as Port Royal, finding many places that were favorable for settlement, uniting good lands and an excellent harbor with security against attack by the Indians. And, indeed, he reported that he observed an emulation among the Indians to secure the friendship of the English, and this notwithstanding they knew that the colonists at Clarendon were in actual war with the Cape Fear Indians and had sent away many of them. On their return, after a month spent in exploration, their accounts seemed to have increased the dissatisfaction among the inhabitants at Charlestown, who in sending their address to England insisted that "because

1666

C. R. I. 121



1666 they had settled in the worst locality, the heaviest terms should not be exacted from them."

C. R., I, 144 John Vassall seems to have been in charge of the colony, and in August, 1666, his cousin, Henry Vassall, their agent in London, again sought a hearing by the Lords Proprietors. He remonstrated with them that after agreeing with him on terms of settlement, they ignored those negotiations and entered into a different agreement with Major Yeamans, and that the colonists were dissatisfied. He renewed his solicitations for the terms originally agreed on, and declared that many in England, in New England, the Barbadoes and those actually at Cape Fear now awaited the issue of his last appeal in their behalf. If his demands should be assented to, he said, a good ship was ready to sail with men and provisions, with the likelihood of other ships following in the spring. But otherwise the whole design would be abandoned and those on the place, he asserted, would give up the settlement.

Vassall

#### The Cape Fear River abandoned

Vassall's warning seems to have been unheeded. Sir John Colleton, one of the most active of the Proprietors, lay dead. Albemarle was off the coast of Holland fighting the greatest sea battle of that era. The other Proprietors were too closely engaged to give much attention to Carolina. As time passed the situation at Clarendon grew steadily worse.

C. R., I, 160 In November, John Vassall sent an agent, Whitaker, to give an account of the condition of the colonists, but he was taken prisoner either by the French or the Dutch, and his mission failed. Vassall wrote that he "had not heard a word from any of the Proprietors since he received his commission by Mr. Sanford," in November, 1664. But the settlers still had friends in Massachusetts. The General Court of Massachusetts, touched by their distress, imposed a general tax for their benefit throughout that colony, and for a season the necessities of Charlestown were relieved. Such measures,

C. R., I, 161



however, were only palliatives and not remedies. The causes of discontent continued without abatement.

Vassall, who had spent much of his means in the enterprise, was greatly interested that it should not fail.

He sought to keep the colonists together, and for a time succeeded. But at length they found a way by land to Albemarle, and neither his arguments nor his authority could longer prevail to quiet them. He therefore detained the first vessel that came in until he could collect others to take them all away together. Some went to Virginia, but the larger part returned to Boston; so, in September, 1667, three years after the landing of the colony, Charlestown was deserted and Clarendon County again became a solitude. Vassall himself stopped in Nansmond, Virginia, and from there, on October 6, 1667, he wrote to Sir John Colleton, of whose death he had not heard, a touching letter: "I presume you have heard of the unhappy loss of our plantation on Charles River, the reason of which I could have never so well understood had I not come hither to hear—how that all who came from us made it their business to exclaim against the country as they had rendered it unfit for a Christian habitation; which hindered the coming of the people and supplies to us, so as the rude rabble of our inhabitants were daily ready to mutiny against me for keeping them there so long. . . . And, indeed, we were as a poor company of deserted people, little regarded by any others and no way able to supply ourselves with clothing and necessities, nor any considerable number to defend ourselves from the Indians; all of which was occasioned by the hard terms of your concessions, which made our friends that set us out from Barbadoes to forsake us; so as they would neither supply us with necessities nor find shipping to fetch us away. Yet had we had but £200 sent us in clothing, we had made a comfortable shift for another year. And I offered to stay there, if but twenty men would stay with me, till we had heard from your Lordships; for we had corn enough for two years for a far greater number, and though the Indians

October,  
1667  
C. R., I, 159





1667

had killed our cattle, yet we might have defended ourselves. But I could not find six men that would be true to me to stay, so was constrained to leave it, to my great loss and ruin."

Thus the fair beginning of a settlement was defeated by some unreasonable quibbling over a few acres of land in a vast wilderness, and over the mode of appointing a governor for a distant colony hedged in by the perils of Indian warfare; while the troubles of the colonists themselves were intensified by their selling into slavery Indian children and also such Indian captives as fell into their hands during the war that followed that act of heartless tyranny and treachery.

#### A new Charlestown on the Ashley

However, the Lords Proprietors were not entirely inactive. Indeed, their prospects were now improved, for Spain by a treaty executed in 1667 abandoned her claim to Carolina and conceded to England her colonial possessions and the right to trade in those waters. So contemporaneously with the abandonment of Cape Fear the Proprietors fitted out a vessel under the command of Captain William Sayle, and sent him to make another exploration of the coast. After his return with a favorable report of Port Royal, the Proprietors, having formed themselves into a stock company, made a great effort and raised twelve thousand pounds, with which they prepared two vessels amply stored with provisions and arms, and bearing a considerable number of emigrants. They appointed Sayle governor, and the expedition, departing from England, arrived at Port Royal in 1670. But after a year spent in that locality, the settlers were led to remove to the west bank of the Ashley River, some miles from its mouth, where they began a new Charlestown. Within a year, however, Sayle succumbed to disease. West, who was the mercantile agent of the Proprietors, hoped to succeed him, but Yeamans, being a landgrave, was entitled to be governor, and taking up his residence in Carolina, as-

1670  
Port Royal



sumed the reins of government, and continued to be governor for five years, when, because of dissatisfaction with him, he was retired and West was made a landgrave and appointed governor. In 1679 the present city of Charleston\* was laid off at the junction of the Ashley and Cooper rivers, and the colony removed thither; the government offices were established there, and it soon became a thriving and prosperous community.

1671

1679

### Slavery in the colonies

When in 1494 Pope Alexander VI, at the request of Portugal and Spain, apportioned the New World between them, Spain was forbidden any possessions east of the one-hundredth meridian, and could have no foothold in Africa. So after the trade in negroes was begun, Spain looked to English enterprise to supply her colonies with negro laborers, and a considerable traffic in negroes sprung up. Later, when England established colonies of her own, white labor was obtained either by contract, the men engaging for a limited period of bondage, or by the purchase of those who had been condemned to servitude for some infraction of the law. Every rising against the government, either in England, Ireland, or Scotland, was followed by the transportation of large numbers of the unfortunate malcontents to the colonies, where they were either sold or bestowed as a gift upon some favored planter. In Virginia, the whites held in bondage were chiefly indented servants, under contract for a term of years, although from time to time those condemned to penal servitude, in some instances at their own request, were sent there. The demand for labor in the "new plantations" being great, a thriving trade was done in indented servants, kidnapped children and condemned persons; and since in the course of this horrid business many outrages occurred, the subject received the attention of the Board of Trade, of Parliament, and of the courts. In 1620, an English vessel, having captured some negroes on board of a Spanish ship,

\*For nearly a century it was called Charlestown.



1659

Slaves in  
New  
EnglandRoyal  
African  
CompanyC. R., III,  
115The  
Asiento, 1713

fell in with a Dutch man-of-war, which took possession of the negroes, twenty in number, and stopping at Jamestown the Dutch commander traded them for needed provisions. In 1638 the first importation of negroes was made into New England at Boston, and contemporaneously with this, at the end of the Pequod War, Massachusetts and the other New England colonies enslaved their Indian prisoners, selling the men to the islands in the Caribbean Sea, but keeping the women and maids among themselves. From that period both Indians and negroes were used as slaves among the English colonists. In 1631 the African Company was chartered to transport negro slaves from Africa to the Spanish colonies, and soon after the Restoration, 1662, the second African Company was chartered, with exclusive rights to carry on the slave trade, the Duke of York and other nobles being at the head of it. Twelve years later this company was supplanted by the Royal African Company, composed of the king, his brother the Duke of York, and other notables, among them four of the Proprietors of Carolina. When Queen Anne came to the throne she specially directed that the Royal African Company should take care that a sufficient supply of merchantable negroes should be furnished at moderate rates, and the slave trade grew to enormous proportions. In 1713 England entered into a contract with Spain, known as the "Asiento," for the exclusive right of supplying the Spanish colonies with negroes for thirty years; and the stock in the company holding this franchise was taken, one-fourth by the King of Spain, one-fourth by Queen Anne, and the other half by her favored friends. To maintain this exclusive right of carrying on the slave trade England engaged in sundry wars, and at the Peace of Utrecht she required that it should be solemnly engrafted into the treaty.

As early as the settlement of Albemarle the institution of slavery had been well established, and there were whites, Indians, and negroes held to bondage. The Indian tribes themselves sold their prisoners taken in their neighborhood

1659





wars to the colonists. And as in Africa wars were continually carried on to secure slaves for the slave marts, so in America wars were fomented to obtain Indian prisoners to be sold into slavery. Beginning in Massachusetts, this practice of capturing and enslaving Indians led to the destruction of the first settlement on the Cape Fear and to many of the wars in South Carolina, and it stimulated the South Carolina Indians to come to the aid of North Carolina in 1712, the captives taken at that time being sold in the West Indies and in New England. Indeed, so many were sent to Connecticut that the governor and council forbade the importation of any more Tuscaroras for fear that in connection with the neighboring tribes they would be a source of danger to that colony. At the time of the settlement of Albemarle there were two thousand negro slaves in Virginia, while the white indentured servants were four times that many. In 1683 the white servants were sixteen thousand, while the negroes were but three thousand.

1650  
Conn. Col.  
Rec., V, 516

#### The Indian inhabitants

The aborigines of North Carolina at the time of the settlement consisted of many different tribes of Indians, each having its own language. Near the great lakes of the North were the Algonquins and the Iroquois. Some of these moved southward and became inhabitants of North Carolina. The Indians of the South are supposed to have come from across the Mississippi River, and they extended into North Carolina. Not only did these differ from the northern Indians in language, but they were not so barbarous and they had made more progress from the savage state. One of the tests now applied to determine whether a tribe was of southern or northern origin is its pottery and its ornamentation. It is said that the northern Indians had made such a slight advance that none of their pottery was decorated by a curved line. Pottery bearing curved ornamentation has been found in western North Carolina and also in eastern Carolina, and in a general way it has

Indian  
civilization



1659

Rep. Bur.  
Eth., XX,  
147, 159

been said that a line drawn from Hatteras marked the boundaries of the southern and northern Indians. There is reason to believe that the southern Indians occupied North Carolina and were measurably expelled by fierce tribes from the north, except along the coast.

Indian  
origins

The Indians on the Cape Fear were Congarees. The Hatteras and Coranines were southern Indians, and perhaps also the Chowanoaks, who afterward became known as Meherrins. The Mongoaks, later the Tuscaroras, the Woccoons, and perhaps the Pamlicos, were northern Indians. The Catawbias were southern. In 1656 the Rechahecrians came from the north, fought with the Virginians, and passed southward into the mountains. It is supposed they became the Cherokees, who have been ascertained to be of northern origin.\* Tradition assigns several points in the Haw and Deep River country as scenes of great battles between the northern and southern Indians.

C. R., V, 9

Brickell in 1729 went on a mission to the Indians in that part of the province, and in December, 1752, when Bishop Spangenberg explored the lands on the upper Catawba, he found the remains of an Indian fort, as also "tame grass, which is still growing about the old residences on the north-east branch of Middle Little River."

There was always antagonism between the northern and southern Indians, and the Catawbias were at constant war with the Tuscaroras. Not only were the tribes destroyed by their continual wars, but they were exterminated by disease. The Pamlicos, that had been very numerous, about 1694 were swept away by an epidemic, and later the Catawbias were destroyed by the smallpox. Other tribes met with a similar fate.

The Indians have left many memorials of their former existence in North Carolina, which, however, have not been carefully preserved. One intelligent investigator, Dr. Dillard, says: "One of the largest and most remarkable Indian mounds in eastern North Carolina is located at Bandon, on

\*Now classed as Iroquois.



the Chowan, evidently the site of the ancient town of the Chowanokes, which Grenville's party visited in 1585, and was called Mavaton. The map of James Wimble, made in 1738, also locates it at about this point. The mound extends along the river bank five hundred or six hundred yards, is sixty yards wide and five feet deep, covered with about one foot of sand and soil. It is composed almost exclusively of mussel shells taken from the river, pieces of pottery, ashes, arrow-heads and human bones. . . . Certain decorations on their pottery occur sufficiently often among the Indian tribes of the different sections to be almost characteristic of them. A sort of corncob impression is found on a great deal of Chowan pottery and also in Bertie. There are also pieces with parallel striations, oblique patterns, small diamond patterns formed by transverse lines, evidently made by a sharp stick. Some are decorated with horizontal lines, while a few are perfectly plain. In the deposits on the Chowan River, at the site of the ancient Chowanoke town of Mavaton, the decorations on the pottery are both varied and artistic. . . . I have never seen so many distinct patterns occurring in the same mound as at Avoca, left there by the Tuscaroras. The ancient Tuscarora town of Metackwem was located in Bertie County just above Black Walnut Point, and most probably at Avoca, from the extensive deposits there."





## THE THIRD EPOCH—1663-1729

### PROPRIETARY GOVERNMENT

#### CHAPTER VIII

##### ADMINISTRATIONS OF DRUMMOND AND STEPHENS

The settlement of Albemarle.—Governor Drummond.—The first Assembly.—Conditions at Albemarle.—The concessions.—Cessation of tobacco planting.—An Indian war.—Changes in the Proprietors.—Stephens governor.—The great deed.—Act of Assembly.—The marriage act.

##### The settlement of Albemarle

1662

The excellence of the location, the salubrity of the climate, and the fertility of the soil soon drew to Albemarle considerable accessions of population. Lawson says that the first who came found the winters mild and the soil fertile beyond expectation, producing everything that was planted to a prodigious increase; that the cattle, horses, sheep, and swine, breeding very fast, passed the winter without any assistance from the planter; so that everything seemed to come by nature, the husbandman living almost void of care and free from those fatigues which are absolutely necessary in winter countries for providing necessities; and the fame of this new-discovered country spread through the neighboring colonies and speedily drew other families to it.

Indeed, it was a location abounding in attractions for the hardy pioneer. The great Albemarle River, as they called the sound, its mouth being Roanoke Inlet, while furnishing in its wide expanse a protection from the southern Indians, offered an unfailing supply of fish and game. The broad Chowan was likewise a protection from the Tuscaroras, whose hunting grounds lay on the west and down to the waters of the Neuse. On the east and north were only two small tribes, one of which gave some trouble in 1666, but was





SEAL OF THE COUNTY OF ALBEMARLE, 1669-1689, AND  
CONTINUED IN USE AS THE SEAL OF THE PROVINCE  
OF NORTH CAROLINA UNTIL THE PURCHASE  
BY THE CROWN IN 1729. THIS REPRO-  
DUCTION IS SLIGHTLY LARGER  
THAN THE ORIGINAL;  
REVERSE IS BLANK



so speedily conquered that the war left no mark on the infant settlement. The pioneers on their separated plantations felt no alarm, and were quite free from Indian depredations. In natural advantages Albemarle was incomparable.

"Most of the plantations," says Lawson, "enjoy a noble prospect of large and spacious rivers, pleasant savannahs, and fine meadows, with their green liveries interwoven with beautiful flowers of most glorious colors, hedged in with pleasant groves of the famous tulip-tree, stately laurels and bays, myrtle, jessamine, woodbine and honeysuckle, and other fragrant vines and evergreens, whose aspiring branches shadow and interweave themselves with the loftiest timbers, yielding a pleasant prospect, shade and smell; proper habitations for the sweet singing birds that melodiously entertain such as travel through the woods of Carolina."

Lawson,  
History of  
North  
Carolina,  
110

#### Drummond governor

Sir William Berkeley in the fall of 1663 received from the other Proprietors instructions to organize a government at Albemarle, and was authorized to appoint a governor for the settlers on the northern and another for the southern shore of the sound\* if he should deem it expedient. The following summer he visited the settlement, then confined chiefly to the waters of the Chowan, and appointed William Drummond governor, and later the Lords Proprietors sent a commission and instructions to Drummond, whose term would seem to have begun in October, 1664. Berkeley was also instructed to appoint six councillors to act with the governor, and all other necessary officers; and the governor and councillors together with the freemen or their deputies were to make all laws, which were to be transmitted to the Lords Proprietors within a year for their approval or disapproval. These laws as enacted were to be in force until they should be disapproved by the Proprietors.

C. R., I. 50  
Chalmers in  
Carroll's  
Coll., II, 283

Oct., 1664

\*George Fox, in his Journal, 1672, speaks of Nathaniel Batts, who had been "governor of Roanoke." He had probably been appointed governor under this authority for the southern division. He was buried at Batts's Island, near Durant's Neck.





1664

C. R., I, 52

The governor was to issue all grants for lands, and the secretary was to record them, and these grants, like those in Virginia, were to be void if the land should not be seated in three years. A rent of half a penny an acre was to be paid each year, but rent was not to be exacted for a period of five years. The governor for his compensation was to have the sole trade of furs until some other means of payment should be arranged. Governor Drummond was a Scotchman who had been long settled in Virginia, and was well acquainted with the vicissitudes of pioneer life. He was a man of education, of integrity, and well fitted for his office. Although sparsely settled, Albemarle was now not an unbroken wilderness.

Spring of  
1665

Population had flowed in, some of the planters being men of large means, bringing with them from ten to thirty persons; and shortly after the government was organized, not later than the spring of 1665, the first Assembly was held, and the little settlement became a self-governing community, a pure democracy, the entire body of the inhabitants acting for themselves, and not through the instrumentality of representatives.

C. R., I, 101

Such was the beginning of the organized government of Albemarle. At that first session a petition was drawn up to be forwarded to the Lords Proprietors, the subject-matter being that the settlers should continue to hold their lands as they had done under the Virginia law, paying only a farthing an acre rent, and that not in cash, but in commodities, as was the practice in Virginia. The quantity of land one could take up was dependent on the number of persons he brought into the settlement, and the patents issued show that some of the early settlers were accompanied by a numerous retinue.

C. R., I, 252

As an illustration of the early influx of population, a remonstrance drawn up fourteen years after the settlement was signed by twenty-one persons, who stated that most of them had been inhabitants since 1663 and 1664. These had become Quakers, while there was only one family of that



faith in the settlement in 1672. In 1666 quite a number of settlers came from the Bermuda Islands, and, establishing themselves on Pasquotank River, found employment in ship-building. Trading vessels also began to frequent the waters of Albemarle, the first large ship of which we have a record coming in during the winter of 1664. It was Captain Whittly's vessel, which appears to have been employed by the Proprietors in connection with their colonization. She entered the sound through Roanoke Inlet, and when she came in found fifteen feet of water, but on going out had but eleven feet, and notwithstanding the channel had been marked out, she grounded several times. "So uncertain are all these inlets," remarks Thomas Woodward, who was then the surveyor of the colony.

1664

Ship-  
building  
1666

#### The concessions

The system of government at Albemarle was soon afterward still further perfected by the provisions specified in the concessions, bearing date January, 1665, which formulated a general plan, covering all the counties established in the province. All acts of the Proprietors were to be authenticated by the great seal of the province, kept at London, while each county was to have its own proper seal, and that designed and adopted for Albemarle continued in use as the seal of North Carolina until after the purchase by the king, in 1729. All grants and deeds for land were to be acknowledged or proved by the oath of two witnesses and recorded, and the conveyance first recorded was to be effectual, notwithstanding any prior unrecorded conveyance. This provision, now so common, was then unknown to the English law. It had its origin in Holland, and had been adopted by the settlers in Massachusetts. It was a marked improvement on the English system of ascertaining and perpetuating titles. In those first days of settlement, the population being inconsiderable, the freemen were either themselves to meet in General Assembly or were to come together and elect twelve deputies to represent them.

C. R., I, 79



1664

All officers were to swear to bear true allegiance to the king, and to perform their duties faithfully, or were to subscribe a declaration to that effect in a book. There was full liberty of conscience, but the General Assembly was to have power to appoint as many ministers or preachers as they should see fit, giving, however, to all persons the right to have and to support any other ministers or preachers they might please.

Each person coming in during the first year should be entitled to have eighty acres of land for himself, and the same quantity for his wife and every dependent capable of bearing arms, and forty acres for each servant. And servants, after their term of servitude, should have an equal right for themselves. But after the first year only sixty acres were to be allowed instead of eighty. These grants of land, while in fee, were subject to a yearly quitrent payable to the Proprietors. The rent, half a penny an acre, was to be paid in money. As an inducement to settlers, however, the first payment of rent was postponed until the year 1671.

Thus, with full liberty of conscience guaranteed, with an agreement that those who did not feel disposed to take an oath of allegiance might merely subscribe a declaration of their fealty, with a stipulation that no tax should be levied or collected except by act of their General Assembly, and that the Assembly, in the absence of the governor or his deputy, might choose a president in his stead, and with an Assembly elected by themselves vested with full power to ordain laws and establish courts and appoint officers to enforce them, the freemen of Albemarle enjoyed every liberty they desired, and being blessed with bountiful harvests, led easy, quiet lives in their sylvan homes.

The development of the "new plantations" progressed rapidly. In addition to their corn and wheat, supplies and provisions necessary for their subsistence and comfort in the wilderness, the planters also raised tobacco; and so considerable was the production of this commodity that when Maryland, in June, 1666, proposed a cessation from planting

1666





tobacco for one year, the agreement was made dependent not merely on the acceptance of Virginia, but by "the new plantations" at Albemarle as well.

1666

#### **An Indian war**

Agreeably to that invitation, Governor Drummond and Thomas Woodward, who had been appointed a commissioner to represent the General Assembly, met the other commissioners at James City on July 12th and agreed on a plan, which in order to be effective was to be ratified by their respective legislatures, and the ratifications were to be exchanged by the last of September. The General Assembly of Albemarle met, George Catchmaid, Gent., being the speaker, and passed the desired act; but about that time there was an Indian outbreak and the colony was in peril, and because of the Indian invasion the act ratifying the agreement could not be transmitted within the period limited. However, the delay was only for a few days, and the failure to send the act forward by the day fixed was held immaterial. So by act of Assembly no tobacco was planted during the year 1667.

In October of that year Drummond's term of three years came to its close, and after an admirable administration that capable governor, whose name is perpetuated in that of the beautiful lake in the great Dismal Swamp, gave place to his successor. Drummond retired to Virginia, where ten years later, having engaged in Bacon's rebellion, in January, 1677, he fell into the hands of Governor Berkeley and was summarily executed by that insensate and exasperated tyrant.

Drummond  
hanged by  
Berkeley,  
1677

#### **Changes in the Proprietors**

In the meantime notable changes had occurred among the Lords Proprietors. Clarendon, who, being Lord Chancellor, was held responsible by the people of England for all the improper measures of the court since the restoration, had become very unpopular; while his severe virtue, no less than his opposition to all schemes looking to the toleration of the



1667

Clarendon  
banished,  
1667Colleton  
dies, 1666Albemarle  
dies

Catholics, had rendered him disagreeable to Charles. In 1667 he became an object of the king's bitter hatred because he ventured to thwart the passionate purpose of that lascivious monarch. On August 30th of that year his seals of office were demanded by Charles, and a month later, out of common hatred, articles of impeachment were presented by the popular leaders against him, and he was charged by the Commons at the bar of the House of Lords with high treason generally, without any allegations being specified. On such a general charge the Lords refused to proceed; but Clarendon saw that his friends had fallen away, and that both the opposing factions were bent on his destruction, and so, seeking safety in flight, he retired to the continent. A bill of perpetual banishment was passed against him, and he sojourned in Europe until his death, in 1674, his last years being employed in literary work. Such was the closing of the honorable career of this devoted adherent of the Stuarts, but a true Protestant and an honest Englishman. Sir John Colleton had died in 1666, and Sir Peter Colleton succeeded to his place among the Proprietors. Albemarle, the skilful general and brave admiral, who, when London was deserted by all during the great plague of 1665, had given the world an additional illustration of his intrepidity by remaining at his post in charge of the stricken city, had, in 1666 and 1667, won famous victories at sea, and then, falling ill with dropsy, lingered until December, 1669, when his son, Christopher, Duke of Albemarle, succeeded him. Sir George Carteret was vice-chamberlain to his Majesty's household, and Sir John Berkeley was at his post as lord lieutenant of Ireland, while his brother, Sir William, remained governor of Virginia.

#### Stephens governor

In October, 1667, the Lords Proprietors appointed Captain Samuel Stephens governor, and sent him for instructions a copy of the concessions published in 1664. So far as the government of Albemarle had conformed to the concessions



there were no changes in the administration. Up to 1667 Albemarle had not been laid off into precincts, but the free-men of the settlement chose twelve deputies, called in the legislation of 1666 "committee," to represent them; and the General Assembly, composed of the governor, his council, appointed by himself, and the representatives of the people, sat together as one body and enacted laws and had the power to establish courts and define their jurisdiction.

1667

Of Stephens we know but little. His relations with the Proprietors and people seem to have been pleasant. He became the owner of Roanoke Island, and otherwise identified his interests with the growth of the colony. The governor and council held a court for the county, which exercised chancery powers, and had jurisdiction over estates. They sat without pay, but it is probable that considerable gain was made by way of compensation for public service by a monopoly of trade with the Indians.

Stephens  
1667-69

That Stephens was a gentleman of culture and standing may well be surmised from what is known of his wife; and in like manner it appears that Harvey and some of the other settlers in Albemarle were the equals in social condition of the best of the Virginia planters of that time. Such was the real character of the original settlement, made, as Lawson asserts, by men of substance.

Character of  
settlers

### The Great Deed

It was during Stephens's administration that the Lords Proprietors were pleased to answer favorably the petition of the Grand Assembly of 1665, so termed, perhaps, because when the petition was prepared the people had not elected delegates, but themselves assembled under the instructions to Governor Berkeley; and for many years the legislative body of Albemarle continued to call itself "the Grand Assembly."

The  
Grand  
Assembly

On May 1, 1668, under the seal of the province, the Lords Proprietors, in response to this request, granted that the inhabitants of Albemarle should hold their lands upon the





1668

The Great  
Deed

same terms and conditions as the people of Virginia, by which the rent became only a farthing an acre and was payable in commodities at a fixed price and not in money. This concession was regarded so highly that the instrument containing it was called "The Great Deed," and in after years it played an important part in North Carolina matters, and for many years the General Assembly required that it should be securely kept in the personal possession of the speaker of the house.

Legislation  
of 1669

At the session of the Assembly held in 1669 there were passed seven acts that have come down to us. One of these recites that no provision had been made for defraying the expenses of the governor and council in time of the courts, and "as the General Assembly thinks it unreasonable that they should spend their time in the service of the county and not have their charges borne, therefore every one who brings a suit in court and is cast shall pay thirty pounds of tobacco" as a sort of tax fee to pay the expenses of the governor and council. Prior to that the governor and council composed the only court held, for as no precincts had been laid off, there were no precinct courts.

In order that Albemarle should not be behind Virginia in offering inducements to settlers, an act was copied from the Virginia statutes prohibiting the institution of any suit for any debt against a person who should come into Albemarle until after five years had elapsed from his arrival.

The  
Virginia  
debtor law

In 1642 Virginia had passed a similar law, which was formally re-enacted by the Virginia Assembly in 1663, and the settlers in Albemarle coming from Virginia brought with them the remembrance of this legislation as a Virginia institution; and, indeed, similar laws were adopted in other colonies. There were no ministers in the colony, and but few in Virginia; so an act was then passed that legalized marriage as a civil institution, and provided that a marriage solemnized by the governor or any of his council in the presence of three or four of the neighbors, the certificate thereof being registered by the secretary, should be a valid



marriage, and any person violating such a marriage should be punishable as if it had been performed by a minister. This marriage law was born of the necessity of the case; and as it was founded in reason, the civil marriage thus instituted at Albemarle has since been adopted by all of the enlightened states of the American Republic. These acts were transmitted to England for the approval of the Lords Proprietors, and meeting with their approbation, received their sanction and became the law in the colony.

1669



## CHAPTER IX

### CARTERET'S ADMINISTRATION, 1670-73

The Fundamental Constitutions.—Changes introduced by them.—The first meeting under the Grand Model.—Carteret governor.—The Grand Model in practice; The precincts.—The nobility.—The Palatine's Court.—The Quakers.—First dissatisfaction.—Carteret sails for England.—John Jenkins deputy-governor.—Visits from Edmundson and Fox.

#### The Fundamental Constitutions

1669

The rise of  
Shaftesbury

The banishment of Clarendon and the long illness of Albemarle made an opening at court for the higher rise of Lord Ashley, a man of superior mental powers and capabilities. He had inherited great wealth, had been studious in the law and in the sciences, and, possessing a strong influence with the people, soon attained the highest position and power among the statesmen of England. A Presbyterian and somewhat of a free thinker, among his intimates was John Locke, the scholar and philosopher, with whom he contracted a friendship based on their common sympathy with civil and philosophical freedom. In 1667 Locke became his secretary, and took up his abode in Ashley's residence. The Lords Proprietors had requested Ashley to prepare a permanent constitution for Carolina, and in the summer of 1669 a rough draught was submitted to them of that famous instrument which has come down to posterity as Locke's Fundamental Constitutions or the Grand Model of Government. This instrument was adopted and signed by the Lords Proprietors on July 21, 1669.

The purposes avowed in it were to provide for the better settlement of the government, to establish the interests of the Proprietors with equality and without confusion, to conform the government agreeably to the English monarchy, and to avoid erecting a numerous democracy in their province.





1660

England had just passed through the experiment of the Commonwealth, the course of which was marked by many deplorable excesses. The Proprietors had seen stalwart republicans, seeking an escape from evils of their own creation, unite in offering a crown to Cromwell, and had witnessed the establishment of a monarchy clothed with arbitrary power under the specious title of Protector; and most of them had suffered severely in their fortunes and in their persons during those convulsions; and now that the ancient constitution of the kingdom had been restored, largely through their own instrumentality, they wished to avoid erecting an unsteady and unrestrained democracy in their possessions. They were themselves of the nobility, and possessed in Carolina under the grant of the king even the regal powers that were enjoyed by the owners of the Palatine County of Durham. Not unnaturally, they sought to guard their individual rights and privileges. As there were eight Proprietors, to establish equality among them was a chief care. Eight great offices were created: one, the Palatine, was assigned to the oldest Proprietor, and upon his death the next in seniority succeeded him. The Palatine was the executive, and the other Proprietors were to be the admiral, chamberlain, chancellor, constable, chief justice, high steward, and treasurer of the province. Carolina was to be divided into counties, and there was to be an hereditary nobility established in each county consisting of one landgrave and two caciques. The other inhabitants were freemen and leetmen, as the landholders were called in the county of Durham; and the institution of negro slavery was recognized. An alien by subscribing the Fundamental Constitutions thereby became naturalized, but no person over seventeen years of age could have any benefit or protection of the law who was not enrolled as a member of some religious profession acknowledging the Deity.

The eight  
great offices

Each county was to be laid off into eight seignories, eight baronies, and four precincts, and every precinct was to be subdivided into six colonies. One of the seignories was to



1669

Divisions of  
the land

Leetmen

Freemen

Nobles

be the property of each Proprietor. It was to contain 12,000 acres, and was to descend to his heirs male, with some provision in case of failure of heirs. Four of the baronies, 12,000 acres each, were for the landgraves, and each cacique was to have two baronies. Each precinct was to embrace 72,000 acres, and each of its six colonies was to contain 12,000 acres. The land in the precincts could be bought and sold at pleasure by the owners, but whoever purchased it had to pay a yearly quitrent of a penny an acre to the Lords Proprietors. Within the precincts, by special grant, a holding of 3000 acres might be erected into a manor, with certain powers and privileges vesting in the lord of the manor, and in that case, being once erected into a manor, it could be sold in fee only in its entirety, and no parcel of it could be conveyed for a longer period than twenty-one years. Provision was made for leetmen within the manors, baronies, and seignories. A person became a leetman by voluntarily entering himself as such in the proper court. On the marriage of a leetman the lord was required to give him ten acres of land for his life, subject to a rent of not more than the eighth part of the yearly produce of the ten acres. The children of leetmen were to remain forever as their parents were; and they were not to live off of the land of their particular lord without license obtained from him. Being subjects of their lord, all their controversies were to be tried in the leet courts of their lord, who had a feudal jurisdiction over them. Thus, besides negro slaves the inhabitants were to be leetmen attached to the land, freemen, and nobles. That the nobles should be properly maintained, they were to have no power to alienate their property and dignity, which must forever descend undivided to their heirs male, but this provision was not to go into effect until the year 1700.

The system of government was cumbersome and complex. The Palatine and the other seven Proprietors, being the great officers, formed what was designated the Palatine's Court. This body was, however, executive rather than



judicial. It had power to call parliaments, to pardon all offences, to elect all officers, to negative the acts of Parliament, and generally was vested with all the powers granted to the Proprietors, except as was otherwise limited in the Fundamental Constitutions. In this court, any Proprietor being absent, he could be represented by his deputy.

1669

The Proprietors' courts

Each of the other great officers also had a court composed of himself, six councillors, and twelve assistants chosen from among the landgraves, caciques, and such commoners or freemen as were designated; and to each of these courts a particular jurisdiction was allotted.

Superior to these courts, however, was the Grand Council, composed of the Palatine, the seven other great officers, and the forty-two councillors. To this council was assigned the power to determine controversies between the courts, and to make peace and war, leagues and treaties with the Indians, and to raise forces for war. It also had authority to prepare matters to be adopted in Parliament, and no act could be proposed in Parliament unless it had first passed the Grand Council.

The Grand Council

The Parliament was to consist of the Proprietors or their deputies, the landgraves and the caciques, and one freeholder from each precinct chosen by the freeholders. These were to sit in one room, each member having one vote. Parliament was to meet on the first Monday of November every second year in the town it last sat in, without any summons. And in order to elect members the freeholders of each precinct were to meet on the first Monday of September every two years and choose their representatives.

Under the concessions the people had a right to elect assemblymen on the first day of each January, and this new provision investing them with the constitutional right to elect a parliament every other September, to convene in November without any call from the governor, was founded in the severe experiences of the English people during the troubles of the recent past, and was a change from English methods largely favorable to the liberties of the people. In





1669

The  
general  
court

after years it became the foundation of a famous enactment known as the Biennial Act of 1715, which, however, merely continued in force the former practice.

In every county there was to be a general court, held by the sheriff and one justice from each precinct. Appeals lay from this court in important civil cases and in criminal cases to the Proprietors' court; and in every precinct there was to be a court consisting of a steward and four justices, who should judge all criminal cases except treason, murder, and other offences where the punishment was death, and except criminal cases against the nobility; and also all civil causes whatsoever, but with appeal to the county court in important cases. To try treason, murder, and other offences punishable with death, a commission for itinerant judges was to issue twice a year, who were to hold assizes in each county with the sheriff and four justices, with appeal to the Proprietors' court. There were grand juries for the criminal courts, and in all courts causes were determined by a jury of twelve men, but a majority verdict was sufficient, unanimity not being required.

Lawyers  
discoun-  
tenanced

While the nobles had great places provided for them, there were thus open to the freemen avenues to distinction in a judicial career, as members of Parliament, as assistants in the great courts, and as councillors. But lawyers were discountenanced, and it was declared a vile thing to plead a cause for money. The purpose of this provision was, possibly, to build up a clientage for the great lords and add to their importance. While appeals were allowed, a new trial in the same court was forbidden, and all manner of comments and of expositions on any part of the law was absolutely prohibited. But at the end of a hundred years every law was to be void. There were one hundred and twenty sections of the Grand Model, or Constitutions as Locke called them, and every part of them was to remain sacred and unalterable forever, and every inhabitant was to take an oath to support them.

Among the provisions of the Fundamental Constitutions



were some innovations on English customs that were not without merit. There was to be in each precinct an officer called the register, in whose records should be enrolled all deeds, judgments, and conveyances which concerned any land in the precinct, and until registered such conveyances had no force. And in every seignory, barony, and colony there was to be a registry for recording all births, marriages, and deaths; and no marriage was to be lawful, no matter what contract or ceremony was used, until both parties mutually owned it before the register, and he had recorded it, together with the names of the parents.

1669

Registration  
of land and  
of social  
statistics

In regard to religion, while freedom of conscience was allowed, yet it was enacted that no man should become a freeman of Carolina or have any estate or habitation within it "that doth not acknowledge a god, and that god is to be publicly and solemnly worshipped"; and while no person of the age of seventeen years could have any protection of the law unless a member of a church, yet any seven persons agreeing in any religion could constitute a church or profession on which they should bestow some name to distinguish it from others.

Religion

#### The changes introduced by the Constitutions

Some of the administrative provisions of the Grand Model were not unlike those that had been in use in Albemarle from the first. Others were easy to introduce. But the establishment of new orders of nobility with the powers and privileges accorded them and the subdivision of the counties as proposed were utterly impracticable.

The details of what the philosopher Locke and his coadjutor, a sagacious man of business and practical statesman, deemed a perfect plan of government were worked out with great care and particularity. But political institutions to fit the needs of a community must be the reasonable outgrowth of actual conditions, developed through the natural operation of influences that affect the thoughts, habits, aspirations, and life of the people. Although the Grand Model



1669

The limitations of the Constitution

won high applause upon its publication in Europe, it did not excite enthusiasm in Carolina. As a theoretical adjustment of forces in government, establishing on a secure basis a conservative aristocracy and perpetuating a monarchical system along with guarantees of popular freedom, it was doubtless superior to any European government of that era. But it was not suited for freemen inhabiting a wilderness. For the chief aim in view, the establishment of a practical government in Carolina, it was a strange admixture of unmitigated folly and theoretical wisdom. The provision ordaining a nobility was probably not offensive to the inhabitants of Albemarle. The people of every nationality were at that period accustomed to class distinctions, which entered largely into the social life of their country, and an order of nobility could not have been disagreeable to Englishmen in any colony. But the plan was too elaborate to be put into successful operation, and, except in some unimportant particulars, it was not attempted in Albemarle. A century later, when a constitution was to be framed by practical statesmen for a continent, the outline of a system, a few general grants of power, a few denials of authority by way of limitation, sufficed to establish a government that has evoked the admiration of mankind.

#### The first meeting under the Grand Model

C. R., I, 179

The principal features of the Grand Model having been agreed on, a rough draft of it was, in July, 1669, transmitted to Albemarle. The first meeting of the Proprietors after its adoption was held in October, 1669, at the Cockpit, a government office near Whitehall, where Lord Ashley's public business was commonly transacted, where the Board of Trade held its sessions, and where later Princess Anne resided until called to the throne. There were present all of the Proprietors except Clarendon and Sir William Berkeley. Albemarle, being the oldest of the Proprietors, became the first Palatine. At a second meeting two months later, January, 1670, it was resolved that instructions should





be sent to Carolina to put the new model into operation. Before that, however, Albemarle had, in December, passed away, and Lord John Berkeley succeeded to the office of Palatine. At this meeting the acts of the General Assembly of 1669, that had been transmitted to the Lords Proprietors for their confirmation, were approved, and they were re-drafted to conform to the requirements of the Grand Model, and were then returned to Albemarle, where they were passed for the second time on October 15, 1670.

1669

C. R., I, 183

### Carteret governor

At this meeting, too, John Locke and Sir John Yeamans were appointed landgraves; and Lord Berkeley, exercising his prerogative as Palatine, deputed Samuel Stephens, the former governor, to be his deputy and to continue in as governor. But about December of the year 1669 Stephens died, and the council in Albemarle having, in such an emergency, the power and right to fill the vacancy, chose as governor Peter Carteret, a kinsman of Sir George Carteret, who had settled in Albemarle in 1664; and Carteret entered actively on the duties, and as governor held with the council a called session of the county court, being the general court for the county, in July, 1670, at which time administration was granted on the estate of Stephens to John Culpepper, as attorney for Sir William Berkeley, whose marriage with the widow may already have been solemnized. That council, previously appointed by Governor Stephens under his commission and instructions, was composed of Colonel John Jenkins, John Harvey, Major Richard Foster, and Captain Thomas Cullen, some of the other councillors not being in attendance.\*

Stephens  
dies,  
Dec., 1669

\*At a called court held July 15, 1670, at the house of Samuel Davis, for the county of Albemarle, there were present the Hon. Peter Carteret, governor and commander-in-chief; Colonel John Jenkins, John Harvey, Major Richard Foster, Captain Thomas Cullen, councillors; and the following was adopted: Whereas, Mr. John Culpepper, Gent., attorney for Sir William Berkeley, governor, and captain-general of Virginia, petitioned to this court for letters of administration on the estate of Captain Samuel Stephens, deceased, he putting in security to save the court harmless,



1670

The news of the death of Stephens apparently reached England before the instructions prepared for him at the January meeting of the Proprietors had been sent, and so later in the year Carteret was appointed governor and his instructions were sent him, together with a copy of the Grand Model, which had been completed and fully perfected on March 1, 1670.

On September 27th of that year a general court was held for the county of Albemarle, there being present the same councillors, together with Francis Godfrey and John Willoughby.

#### The Grand Model in practice: The precincts

C. R., I, 181

In the instructions directed to Carteret as governor the Proprietors said they were not able to put the Grand Model fully into practice, "but intending to come as nigh to it as we can," Carteret was directed to observe it as far as practicable. These instructions, therefore, varied from the Grand Model and also varied from the existing system at Albemarle in several particulars. Among the directions given to Carteret was one that a writ should be issued to the four precincts of Albemarle for the election in each of five representatives for a general assembly, the division into four precincts having been made conformably to the rough draft of the Grand Model sent over in July, 1669.\* Under the concessions, and under Stephens's instructions in 1667, the inhabitants were to choose twelve deputies, until "distinctions of the county should be made," and then each "distinction" should choose two representatives. That would

Grand  
Model vs.  
the existing  
system

MSS.  
Records  
at Edenton

it is ordered that the said Culpepper have orders of administration granted him. Whereas, Andrew Woodward was summoned to this court of chancery, and being required to give his oath upon inquiry of what he knew to be the estate of Samuel Stephens, deceased, he wilfully denied and refused to give his oath, wherefore the court ordered that he remain a close prisoner. On September 27, 1670, a general court was held at the same place, which seems to have been at that time the convenient point of meeting.

\*The names of three of these precincts were Carteret, Berkeley and Shaftesbury; the name of the fourth is now not positively known.



indicate that at least six subdivisions were then in contemplation; now the county was divided into four precincts, as required by the Grand Model, each electing five representatives. Such was the origin of the right of the Albemarle precincts to have five representatives, which they continued to enjoy, despite all antagonism, until the adoption of the state constitution in 1776.\*

1669

Origin of the  
five repre-  
sentatives

### The nobility

Five persons appointed by the Lords Proprietors, who theoretically were to represent the nobility, were to sit with the twenty representatives chosen by the people to form an Assembly. After the Assembly had chosen a speaker, it was to elect five persons, who were to join the five deputies appointed by the Lords Proprietors to form the governor's council, the governor himself being the deputy of the Palatine. And this council of ten was to have the power of the Grand Council in the Grand Model. The governor and the five deputies were to form the Palatine's Court, and were vested with the jurisdiction and powers conferred on that court. Particular authority was conferred on the governor and council to establish courts for the administration of justice; and all the inhabitants were to take an oath of allegiance and of submission to the form of government.

C. R., I, 181

Such were the instructions to Governor Carteret, in 1670, to put the Grand Model into operation "as nigh as may be," and in several particulars to alter the existing government in order to do so, and to require the submission of the people to it under the sanction of an oath. Carteret, who early settled in Albemarle, and was so esteemed that he had been speaker of the Assembly, and whose qualifications were such that he had served as secretary of the general court, sought to give effect to his instructions and put into operation the changes indicated. The county had already

\*In 1665, the freemen themselves met in Grand Assembly: in 1666, they assembled and appointed members to represent them; and this was continued until the precincts were established, when the election was by precincts.





1670

been laid off into four precincts, which were now permanently established. The governor and deputies held their Palatine's Court, the council was increased by five commoners chosen by the Assembly, and in other respects attempts were made to follow the instructions of the Proprietors.

Value of the  
Grand  
Model

The Grand Model in its complex entirety was not at all adapted to a few scattered planters in a new settlement; nor were its provisions that erected a class of landed aristocracy in harmony with the spirit of liberty and of equality which would naturally be fostered in a remote wilderness. But it contained some important principles of liberty which thus became engrafted in the fundamental constitution of the colony, and whose maintenance was in after years of great interest to the people. Although it did not go into operation in all its parts, yet in some respects the frame and system of government conformed to it. The governor was the representative of the Palatine, the deputies were appointed from among the people, and the Assembly elected five persons to sit with them; the precinct courts, the general courts and courts of chancery were now held conformably to the fundamentals; and every second year, in September, the people elected their deputies to sit in the legislature without any writ; and the Assembly met in November.

#### The Quakers: Edmundson and Fox

1672  
C. R., I, 215

It was during Carteret's administration, in 1672, that William Edmundson, a preacher of the new sect, the Friends, visited Albemarle, and the first religious meeting was held in the forests of Carolina. Accompanied by two woodsmen to guide him through the wilderness, Edmundson passed on horseback beyond the confines of the Nansemond settlements, and on the third day reached the house of Henry Phillips, the only Quaker then in Albemarle. Phillips and his wife had been convinced in New England, and coming to Carolina about 1665 had not seen a Friend for seven years. When Edmundson made himself known, they wept for joy. Word was speedily sent to the neighbors to come at noon to hear



the preacher, and many came. For a dozen years those who had first seated in that remote locality had been without church privileges, had not assembled in prayer, nor heard a preacher of the Word. Edmundson, accustomed to the observance of the proprieties, was shocked that they brought their pipes and sat smoking during the religious service. But while their forest breeding impressed him that they were not religious, yet he found the way to their hearts, and several at once received the "Truth with gladness." Truly, those were glad hearts that were converted and brought into communion with this apostle of repentance preaching that the inner light was a revelation of the Holy Spirit. On the third day Edmundson, well pleased with Carolina, returned to Virginia. But a few months later he was followed by the very head and founder of the faith, George Fox. Fox reached Bennett's Creek toward the last of November, and taking a canoe, proceeded to the Chowan and then to Edenton Bay; and there, obtaining a larger boat, went on to Governor Carteret's. The governor and his wife "received them lovingly," and Carteret courteously accompanied him two miles through the wilderness. Thirty miles more brought Fox to the residence of Joseph Scot, one of the assemblymen, where they had a precious meeting; and a few miles further they reached the home of the secretary of the colony, who had previously accepted the Quaker faith. For three weeks Fox lingered among these people of the forest, whom he described as tender and loving and receptive of the truth, holding meetings to which they flocked. The seed fell on good ground. The faith of the zealous and earnest evangelist, who appealed so effectively to the consciences of his hearers, took firm root in Albemarle. No other religious meetings were held calling the people into communion and at once ministering to their human needs and satisfying their spiritual longings. It was in sympathy with the solitude of their surroundings and the quietude of their daily life. There had been naught to disturb the restfulness of the people or to inflame their passions. Content-

1672

Edmundson  
preaches

C. R., I, 217

Fox visits  
Carolina



1672

ment prevailed. The administration of their government had been of the people and for the people. Their assemblies met regularly, and the laws were of their own making.

### The first dissatisfaction

C. R., I, 219

The  
Assembly  
of 1672

At the session of 1672 at least fifty-four acts were passed, which may, however, have embraced all former laws then re-enacted. The fifty-fourth prohibited the sale of rum at a greater price than twenty-five pounds of tobacco per gallon; for the unit of value was the pound of tobacco, and taxes, rents, and debts were all payable in that commodity. This attempt to regulate prices, interfering with the freedom of trade, was soon found to be inexpedient, because if the traders could not make a greater profit on the rum, they would not bring in other commodities that were more necessary to the inhabitants. The next year, therefore, the act was repealed.

The Great  
Deed  
appealed to

Notwithstanding those features of the Grand Model that were inimical to freedom, there was probably no opposition to the introduction of the administrative changes which Carteret, under his instructions, put into operation. The people, few in number, somewhat scattered, occupied with their industries, probably did not at first greatly concern themselves with those provisions of the new constitution that were not to be carried into effect at once among them; but when they were required to take an oath to support it and to abide by it, and when one of its unalterable provisions was that their rent per acre, instead of one farthing per acre, payable in commodities, should be as much silver as is contained in a penny, they exhibited signs of dissatisfaction. They had just secured by the Great Deed the concession for which they had petitioned years before, that their rent should be like that in Virginia, and the proposed change must have aroused indignation. In the records of Perquimans is an entry showing that Francis Toms, Christopher Nicholson, and William Wyatt, being Quakers, did subscribe the Fundamental Constitutions, but they added a protest, how-





ever, that by accepting the Grand Model they should not be disannulled of the gracious grant given by the Lords Proprietors in their Great Deed to hold their lands according to the tenure of Virginia. Doubtless this protest but expressed the common sentiment of all the inhabitants.

Besides, just at this time there were other causes of discontent arising from the navigation laws and customs duties, which if enforced would seriously interfere with the trade of the colony. But whatever was the occasion, dissatisfaction pervaded the settlement—a dissatisfaction so pronounced that Carteret could not stem it. The new element introduced into the council by the admission of five inhabitants appointed by the Assembly now changed the attitude of that body toward public measures and virtually brought it under the rule of the people themselves. The council was no longer in harmony with the governor.

Carteret's efforts to compose differences were fruitless; he wearied of the attempt, and finally laid down his office and abandoned the colony. Before May, 1673, he sailed for England, leaving the administration, it is said, in ill order and worse hands.

Carteret  
resigns

On May 25th, at a council held at the house of Thomas Godfrey, Carteret was absent and Colonel John Jenkins presided as deputy governor.



## CHAPTER X

### ADMINISTRATIONS OF JENKINS AND MILLER, 1673-78

The navigation acts.—The Board of Trade.—The people murmur.—Other causes of dissatisfaction.—An Indian war.—The tobacco duty resisted.—The administration compromises.—Miller arrested.—Eastchurch goes to England.—Governor Jenkins deposed.—Eastchurch appointed governor.—Bacon's rebellion in Virginia.—A government by the people.—Eastchurch deputizes Miller.—Opposition to the navigation acts.—Durant resolves to revolt.—Miller acts resolutely.—Durant returns to Albemarle.—The crisis arrives.—The revolt proceeds.

#### The navigation acts

1660 } Since the opening of the century there had been rapid progress in the art of manufacturing and in the development of the commercial interests of England. Fierce wars had been waged for the expansion of trade and for the establishment of commercial supremacy. The early navigation acts, strengthened by Cromwell's legislation, were initial movements in a system intended to secure the mercantile prosperity of England. And as the enterprising Dutch were now proving successful competitors in the colonial trade, there was in 1660 a further enactment, aimed at Holland, that all importations into the plantations should be in English ships. Because of that prohibition, Dutch vessels were no longer seen in American harbors, and the carrying trade was secured. But still there was direct intercourse between the colonies and European ports, and the London merchants did not reap all the advantage of the colonial trade. So three years later English statesmanship took a further step. The importation of European commodities into the colonies was prohibited unless shipped from England. In the interest of the London merchants, it was



virtually enacted that the colonies could obtain foreign goods only from them. Still there was unrestrained trade between the colonies themselves. The Englishmen in New England could freely barter with their fellow-subjects of Albemarle, and that, indeed, was the chief source of supply for that colony. And it may be that the New England merchants evaded the navigation acts, and that a part of the European commodities brought to Albemarle had not come by way of London. At any rate, the growing mercantile importance of New England attracted attention, and in 1672 a blow was aimed to cripple it. An act was passed abridging the freedom of inter-colonial traffic.

A duty was imposed on tobacco and certain other enumerated articles when exported from one colony to another. And tobacco was the staple in which payments were made. It was the basis of bills of credit. The duty imposed was a penny a pound, and to that extent the tax lessened the value of tobacco as a debt-paying commodity in the inter-colonial trade. Indeed, tobacco from the first had been the subject of particular regulation. Its culture in England was forbidden, and Charles I had taken to himself the entire production of the English colonies, at a price fixed by himself, and it paid a duty on being brought into England. If any obtained at Albemarle by the New England merchants was shipped to the continent, the king lost his taxes and New England obtained funds from abroad to pay for European commodities to be clandestinely brought into the colonies. To stifle this trade and to secure more funds for the depleted purse of a needy sovereign this export tax was imposed, and it was to be collected by officers of the Crown. Indeed, the entire regulation of colonial affairs, being claimed as a royal prerogative, had on the Restoration been committed to the king's Privy Council. When Ashley became chancellor of the exchequer, in 1668, ever active in promoting national advancement, he procured the appointment of a Council of Commerce, to whom was assigned special charge of the colonies. In 1672 Ashley became lord high

1672

Tobacco  
shipped to  
New  
England  
taxed





1672

chancellor and was created Earl of Shaftesbury, and in the same year this export tax was laid on tobacco.

### The Board of Trade

Origin

But the Council of Commerce was inefficient, and later it was dissolved and its functions were transferred to a new board appointed to take charge of all matters relative to trade and the foreign plantations; and the immediate care of these affairs was committed to a few selected members, among them being Shaftesbury, Craven, Berkeley, and Colleton, four of the Proprietors of Carolina, while Landgrave Locke was their secretary. Such was the origin of this board that continued until the Revolution to manage the affairs of the American colonies. At the time of its creation the colonies were free to export their products, except tobacco and some other enumerated articles, in English ships, to the West Indies and elsewhere, and to import rum and salt and produce in return; and European commodities imported by one colony from England could be reshipped to another; tobacco could be exported from one colony to another on the payment of the export tax, and upon its importation into England an import duty was to be paid. But while these were the regulations, they had not been enforced. No customs officers had been appointed for Albemarle, and there had been no interference with the trade that enterprising New Englanders had established with Albemarle. Now there was to be a change; but Shaftesbury was no longer on the board.

1673

Shaftesbury

His zealous efforts to arrest the advance of Catholic influences had, in 1673, separated him from the other great officers of state, and in September of that year, having been dismissed from the office of lord chancellor, he became the popular leader and the central figure in the contest against the measures of the court. Having carried through Parliament a bill forbidding Catholics to come within ten miles of London, the king, who was largely under Catholic influ-



ences, dismissed him from the Privy Council and ordered him to leave London.

1675

### The people murmur

It was fifteen years after the axe of the first settlers had rung in the clearings of Albemarle before any order "by the king's command" was heard in Carolina. Then came commissions for one Copeley and one Birch to be the king's collector of customs and his surveyor of customs; and in case these appointees should not be in the colony, the governor was directed to fill the offices by his own appointment. Copeley and Birch did not appear and claim their commissions, so the duty of appointment devolved on John Jenkins, then president of the council and acting governor. Opposition was at once manifested to this first step toward putting in force the navigation acts and trade regulations that had not been previously observed in Albemarle. But Jenkins and the other deputies managed to reconcile the people to it, and the appointments were made. Timothy Biggs, the deputy of Earl Craven, who had married the widow of Speaker Catchmaid, was appointed surveyor of customs, and Valentine Byrd, the collector. Byrd was a man of consequence and of wealth, and lived in style, as the inventory of his estate filed on his death a few years later indicates.\* He entered on his duties, but probably was not exacting or thorough in their performance. It was said that many hogsheads of tobacco went out tax free marked as "bait for the New England fishermen," and European com-

C. R., I, 291

C. R., I, 292

\*In 1680 we have the inventory of Captain Valentine Byrd, who was one of the *grande*es of the time, and here we come upon "fine Holland sheets," and "diaper napkins," and "table cloaths," and "silver tankards and spoons," "dressing boxes," "mirrors," "books," "a coach," and "lignum-vitæ punch bowl," with a rich account of household articles in the shape of "warming pans," "beds and bedding," "chairs and tables," clearly demonstrating that Captain Valentine Byrd was a man well-to-do in this world; and if not very comfortable, had no one to blame but himself, for he had men servants and maid servants, negroes, Indians, and white convicts, and lands well stocked and good tenements thereon, all of which he left to his wife, who afterward gave both it and herself to the first leader of rebellion, and became Madame Culpepper.

Hawks, II,  
578



1675

modities were allowed to be landed that did not come under a London manifest. Still ostensibly the law was observed in Albemarle, but it was a constant cause of irritation.

The Remonstrance

In the meantime other circumstances led to discontent and apprehension among the inhabitants. There were rumors that the rents were to be raised, and also that the province was to be divided among the Proprietors, and that Albemarle was to be allotted to Sir William Berkeley. It would have been repugnant to the freemen of Albemarle to be cast under the dominion of any single Proprietor; but when their ruler was to be Berkeley, whose tyranny in Virginia was drawing the inhabitants into revolt, the suggestion was abhorrent to them, and the Assembly in November, 1675, adopted a remonstrance to the Lords Proprietors on the subject.

An Indian war  
C. R., I, 658

In addition to these troubles an Indian war now set in. Some of the savages who had been waging a murderous warfare on the northern borders of Virginia fled to the Meherrins and stirred them up to hostilities, and they began to roam in the wilderness between Albemarle and Nansemond, and committed several murders that aroused the people. Fortunately, just when needed, Captain Zack Gilliam came into port from London with his armed ship, the *Carolina*, bringing a cargo among which was a supply of arms and ammunition, and a force was organized to suppress the Indians. In the prosecution of this war, which lasted for more than a year, as the council said later, "by God's assistance, though not without the loss of many men," the Meherrins were wholly subdued, and were removed from their territory on the south side of the Meherrin River, which they had occupied under a treaty made by commissioners appointed by King Charles II, to a reservation at the mouth of the Meherrin River, and on the north side, although after that some of them planted corn and built cabins on old fields of the Chowanoak Indians on the south side of the river.

Meherrins subdued,  
1676-77

The tobacco duty resisted

On the return of the force from this campaign against the Meherrins the people, with arms in their hands, demanded





that the export tax on tobacco shipped to another colony should not be collected. Here was incipient rebellion. The grievance to be redressed was not because of the Proprietary government, but it arose under the laws of England. The purpose of the English statesmen was to build up England's greatness by constraining the colonies to trade at London and by preventing inter-colonial trade in tobacco. The New England traders, it was alleged, were adept in evading these regulations. Vessels leaving England would stop at Ireland and obtain a quantity of linen; others would call by the Canary Islands and take in wine. There was nothing immoral in the act itself. It had always been proper and lawful, but now it was sinful because prohibited in the interest of the London merchant. And so with tobacco. It was entirely proper to export it from Albemarle direct to London without any export duty, but if used to pay a debt in New England it was burdened with an export tax. Its value as a debt-paying medium, if used in the New England trade, was lessened a penny a pound in the interest of the London merchant. The coast trade was natural, but it was not helpful to London, therefore it must be stifled. Such was the argument of the English statesmen. The men of Albemarle were not of that mind. They preferred to consult the advantage of Albemarle. The law they objected to was not of their making. It was not for their benefit. It was disadvantageous to their community. It was imposed on them without their consent by men across the Atlantic to promote their own selfish interests. It was not submitted to with complacency. Oppressive and unjust legislation bears the same fruit in every age. There are evasions by artifice and then revolt. Hogsheads of tobacco were clandestinely exported, and then the people with arms in their hands took an open stand against the enforcement of the law. Chief among those who led the opposition was George Durant, who had become one of the most influential men in Albemarle, and who had a considerable quantity of tobacco for shipment to New England; and in alliance with him were

1677

Tobacco  
export lawsArmed  
rebellion



1676

Richard Foster, one of the council; Patrick White, William Crawford, and Valentine Byrd himself.

### The administration compromises

C. R., I, 292

The few councillors and officials who felt constrained to support the law were unable to cope with a determined community. They therefore effected a compromise. Without authority, they offered to reduce the export tax to a farthing the pound. That was assented to, and Byrd was allowed thereafter to peacefully discharge his duties, but even then probably he used no great vigilance as the king's officer. And, indeed, it was afterward alleged against him that he allowed much tobacco to be exported without the payment of any duty, and even winked at the importation of European manufactures that had not come by way of England.

The law  
evaded

And now came some episodes that in the uncertain and unsteady light thrown upon them and the shifting relations of the actors cannot be certainly accounted for, and the causes can only be surmised.

Miller  
arrested

C. R., I, 269,  
374

Thomas Miller, an apothecary, but a person of some consideration, was often in drink. There seems to have been bad blood between him and Jenkins, the president of the council. It is said a conspiracy was formed by Jenkins and John Culpepper, who had once been the surveyor-general of Carolina, to charge him with uttering treasonable words against the king's person and the monarchy, as well as blasphemy. Early in 1676 he was arrested by Jenkins and the council and held under a guard of soldiers, put in irons and thrown into prison. Then, doubtless on their application to Berkeley, that rank Royalist issued a mandate for Miller's removal to Virginia to be tried before him and his council. The Albemarle Assembly, however, was no party to this proceeding, and it heard evidence in opposition to the charges. Miller, on being carried to Virginia, was acquitted by Berkeley and his council, and he caused his attorney, Henry Hudson, to institute an action for damages against Culpepper, and then in May Miller took shipping for London.



bearing with him a remonstrance to the Proprietors adopted by the Assembly in the preceding November, and also a subsequent address adopted in March, relative to the deposition of Jenkins, and assuring the Proprietors of their fidelity to them.

1676

About the same time Thomas Eastchurch, speaker of the Assembly, also sailed for London. He had had a case in one of the courts, of which Captain John Willoughby was a member, in which the court decided adversely to him, and on his proposing to appeal to the Lords Proprietors Willoughby denied the appeal, declaring that his "court was the court of courts and the jury of juries." Willoughby is alleged to have been a great tyrant. For his tyrannical conduct and oppression he was cited before the Palatine's Court, but he beat the officer of that court and refused to attend; thereupon he was declared in contempt and outlawed, and the succeeding General Assembly put a price on his head, and he fled to Virginia and remained there until the government of Albemarle subsequently became unsettled.

Eastchurch  
goes to  
England

It would seem that Jenkins's course toward Miller, and perhaps his willingness to have the custom duty on tobacco collected, led to charges of misdemeanor against him, and the General Assembly deposed him from his office as president of the council and imprisoned him and sent by Miller to the Proprietors for instructions. There was a conflict between the Assembly and Governor Jenkins, who was nevertheless sustained by a majority of the council. Nor were the Proprietors satisfied with the conduct of their own deputies, who in several particulars had disregarded their wishes and in some instances had thwarted them. The Proprietors had directed that towns should be laid off and built at Roanoke Island and elsewhere, so that trade could be centred at certain points instead of being carried on in a desultory way at the landing places of the planters. They had also directed that a way by land should be opened to the settlement on the Ashley; and they had particularly enjoined that plantations should be settled on the south side of the

Governor  
Jenkins  
deposed,  
May, 1676





1676

sound. None of these instructions had been obeyed, and the councillors had prevented any settlement on the south side of the sound, because that would have interfered with their individual trade with the Indians in that direction, which they had engrossed. Indeed, Thomas Cullen, one of the deputies, was accused of furnishing the Indians with pistols and with arms and ammunition, and because of that charge he fled from the colony.

#### Eastchurch appointed governor

C. R., I,  
228-233

In the fall of 1676 Eastchurch and Miller arrived in London, and the Proprietors at once took their matters into consideration. Eastchurch was not merely a gentleman of good fame, but was related to Lord Treasurer Clifford, one of the Board of Trade, who had solicited his appointment as governor. The Proprietors finding that he was a very discreet and worthy man, was speaker of the Assembly and much interested in the prosperity of the colony, November 21, 1676, appointed him governor. They also, in a letter to the Assembly, approved its action in regard to Jenkins, and expressed their appreciation of the respect shown for themselves by the Assembly.

The spirit  
of self-gov-  
ernment

Difficult indeed was the situation of those Proprietors who were members of the Board of Trade and in duty bound to see his Majesty's customs collected, and were yet interested in preserving quiet in their province, where the people were evading the payment of that tax in defiance of the royal authority, and, emboldened by the progress of Bacon's revolution in Virginia, were likewise manifesting a purpose to govern themselves.\*

\*In May, 1676, because of Berkeley's supineness in not checking Indian hostilities, many of the Virginians embodied under the leadership of Nathaniel Bacon and marched against the Indians; this proceeding being in defiance of Governor Berkeley's wishes, on the 29th of the month he proclaimed them rebels. The next month an Assembly met, and Berkeley having promised to issue a commission to Bacon as commander of the forces against the Indians, all differences were quieted. But later the governor refused to abide by the agreement, and withheld the promised commission. Bacon hurriedly marched his troops to Jamestown, surrounded Berkeley and de-



If any one could reconcile the conflicting elements in Albemarle, Shaftesbury wisely surmised that he must be found among those who were in favor with the Assembly. So having appointed Speaker Eastchurch governor, he procured Miller's appointment as collector of customs, for Miller's cause had been espoused by the Assembly, and he had borne their letters to the Proprietors, and on his account they had imprisoned and deposed John Jenkins, the president of the council.

1677

A year had elapsed since the Assembly had by the deposition of Jenkins taken the administration into its own hands, and still the Proprietors did not hasten to interfere. Shaftesbury, now grown to be the greatest of all subjects, had persistently declined the overtures of the king, and had resolutely agitated to secure safeguards for Protestantism and liberty. In 1677 a mismove led to his arrest and imprisonment in the Tower, and all his applications for a *habeas corpus* being denied, he was only released by the king's order the following year.

Government  
by the  
people

#### Eastchurch deputizes Miller

The new governor dallied in England, and it was not until toward June, 1677, that Eastchurch and Miller departed for Albemarle. And even then, instead of sailing direct for Virginia, they embarked in a vessel bound for the island of Nevis, in the Caribbean Sea. There Eastchurch fell in with a lady of attractive person and with a considerable

Eastchurch  
stops at  
Nevis

manded the fulfilment of the promise. The governor complied; but shortly afterward revoked the commission as being obtained under compulsion, and raised an army to take Bacon, who was again proclaimed a rebel. In September the contending forces met at Jamestown, and Berkeley was routed and fled. Bacon thereupon called a new Assembly. But on the first day of October he fell a victim to fever contracted in the trenches of Jamestown. After his death Berkeley soon re-established his authority and terrorized the Virginians by his unsparing cruelties and excessive executions. On January 29th, however, Herbert Jeffreys arrived from England, bringing a commission as lieutenant-governor, and accompanied by a regiment of soldiers. Berkeley sailed for England in April, and smarting under the king's disapprobation, soon after his arrival died of a broken heart.

1677



1677

fortune, and, remaining to pay his addresses, commissioned Miller, who had been appointed deputy, to be president of the council, and despatched him in advance to settle affairs by the time of his own arrival.

C. R., I,  
278, 292  
Miller  
arrives  
July, 1677

In July Miller reached Albemarle, and having exhibited his commissions, was quietly admitted into his various offices and assumed the reins of government. All the inhabitants again took the oath, or, being Quakers, subscribed it, of allegiance to the king, fidelity to the Proprietors and submission to the established government. The Indians being still hostile, Miller during the summer carried on a campaign against them, and eventually they were overcome.

As collector of customs Miller appointed deputies in every precinct, among them Timothy Biggs, who were very active in collecting the export tax on tobacco and in seizing any European commodities that had not come from England; and, indeed, the ship *Patience* was seized for unlawfully bringing in such goods.

Opposition  
to the  
navigation  
laws

This zealous enforcement of these odious laws again occasioned discontent among the inhabitants, who had acquiesced in Valentine Byrd's easier administration. And then it began to be rumored that Byrd was to be held accountable for great sums and much tobacco that he ought to have had in possession, as well because of what he had collected as because of what he had failed to collect. Such demands interested not merely Byrd, but all exporters of tobacco who had profited by the reduction of the tax to a farthing the pound.

#### Durant resolves to revolt

C. R., I,  
258, 286

Perhaps it was because of this probable demand that the idea of revolt had suggested itself to Durant, whose interest lay in not disturbing the existing situation. He being in London subsequent to the appointment of Eastchurch and Miller, had plainly told the Proprietors that Eastchurch should never be governor, and rather than that he would revolt. Bold, self-reliant, and masterful must have been that





untitled woodsman when standing face to face with the great earl and the other powerful noblemen who owned Carolina he had warned them that Eastchurch should never be governor, but that he would keep him out by force and arms. Whatever principle had been settled in England by the Restoration, in Albemarle Durant still held that government should be by consent of the governed. And his purpose to revolt against Eastchurch's administration was openly declared in Albemarle.

Of this Miller doubtless had timely information, and his arbitrary measures while acting as governor may have been taken because of it. He made limitations on the choice of assemblymen, and succeeded in having himself invested with the power of imposing fines at his own pleasure. Armed with this authority, he issued warrants to have some of the most considerable men in the colony brought before him dead or alive, setting a price upon their heads, and for his own protection he surrounded himself with a guard of soldiers. Such desperate measures indicate apprehension of trouble; and, indeed, as they were reasonably calculated to excite a conflict, Miller must have considered that revolt was imminent and that the better way to meet it was by resolution and a show of force rather than by temporizing. Forewarned, he doubtless thought to overawe those who had not already attached themselves to the leaders of the opposite faction by a show of determined conduct.

On December 1, 1677, the *Carolina* came into port from London with George Durant on board, who found Gilliam a willing ally in his plans. Gilliam himself had a grievance against some of the Proprietors, who had turned him out of a considerable employment in Hudson's Bay, and wished them evil. His son also seems to have had a vessel plying from Albemarle to New England, and while the *Carolina* and her consorts took in cargoes for London, there may have been illicit traffic to which all the shipmasters were parties. A person described as the New England ambassador had been in Albemarle, and rumors were set afloat to inflame the

1677

Miller acts  
resolutelyC. R., I,  
249, 287Durant  
returns to  
Albemarle  
C. R., I, 292

Dec., 1677



1677

Purpose  
of the  
rebellion

people. It does not appear that there was harbored a design to throw off allegiance to the king or to deny the authority of the Lords Proprietors, but rather to impede the enforcement of the navigation acts and the collection of the tax on tobacco shipped to New England. The laws relating to trade bore hard upon them, and the Revolutionists proposed to prevent their operation. If necessary to that end, they would subvert the administration and set up a government of their own, and thus at least for a time escape from the rule of those who would enforce the regulations that bore so heavily upon their trade. Such appears to have been the purpose of the confederates, who drew into their measures nearly all the leading inhabitants, except alone the deputies and those holding employment under Miller. The occasion for the outbreak followed swift upon the arrival of the *Carolina*. That ship was well armed, "a pretty vessel," carrying several cannon, and could defy any force Miller could bring against her. She now brought in a cargo composed in part, as the year before, of arms and ammunition, swords and pistols for sale to the farmers of Albemarle.

#### The crisis arrives

C. R., I, 297

Coming to anchor off Captain Crawford's landing, no sooner had Gilliam gone ashore than Miller charged him with having carried off his last cargo of tobacco without paying the tax, and demanded the payment now of a thousand pounds. Gilliam refused to make this payment, alleging that the tobacco had been carried to London and the tax was paid there. He was at once arrested and his papers seized; and Miller having thus begun his proceedings, hastened that night aboard the *Carolina*, and with cocked pistols sought to arrest George Durant, charging him with treason. This step precipitated the crisis. It led at once to a resolute purpose to overthrow the administration. The men of Albemarle, trained in their sequestered homes to prompt action, now boldly took an open stand. The leadership was conferred on John Culpepper, a man of energy



and enterprise, and the movement has been known to history as the "Culpepper Rebellion." A report was quickly spread abroad that Gilliam was about to depart and carry all his cargo away, and the inhabitants would lose the chance of trading with him. Such a misfortune, it was declared, concerned all the people, and to prevent it a revolution was necessary.

1677

Valentine Byrd, with Culpepper and other coadjutors, immediately embodied a force and seized the person of Timothy Biggs, deputy collector of customs, and arrested him on the charge of murder. The next day a force of forty armed men seized Miller and two other deputies and put them in irons, charging them with treason. Culpepper, who is said to have had considerable experience in insurrection in several of the colonies, now despatched instructions to Richard Foster, who, although one of the council and a deputy, was in alliance with the confederates to arrest Hudson, the deputy collector in Currituck, and to seize his papers and bring him to George Durant's house. And a proclamation, called the Remonstrance of the Inhabitants of Pasquotank, was on the same day, December 3d, prepared and sent to the other precincts, setting forth their justification for the revolt. In it the confederates averred that the occasion of securing the records and imprisoning the president was that thereby the country might have a free Parliament, by whom their grievances might be sent home to the Lords Proprietors. Miller they charged with having denied a free election and with cheating the country out of one hundred and thirty thousand pounds of tobacco, besides the expense of "near twenty thousand pounds of tobacco he had brought upon us by his piping guard," and they recited his conduct toward Captain Gilliam and Durant, "and many other injuries, mischiefs and grievances he hath brought upon us, that thereby an inevitable ruin is coming upon us (unless prevented), which we are now about to do; and hope and expect that you will join with us therein and subscribe this."

C. R., I, 293

Biggs and  
Miller  
arrestedThe Remon-  
strance of  
PasquotankDec., 1677  
C. R., I, 248

C. R., I, 249





## CHAPTER XI

### ADMINISTRATIONS OF HARVEY, JENKINS, WILKINSON AND SOTHEL, 1679-89

The revolt successful.—A government by the people.—Victory brings moderation.—Quiet succeeds the storm.—The revolt against arbitrary power and the navigation acts.—The Proprietors dilatory.—The increase of Albemarle.—The Proprietors acquiesce.—Seth Sothel sent to govern.—John Harvey governor.—Miller flees.—Durant dominant.—Biggs retires to Virginia.—The Quakers appeal to the Proprietors for protection.—Harvey dies; succeeded by Jenkins.—Culpepper tried, but acquitted.—Shaftesbury in exile.—Albemarle to observe the law.—Wilkinson governor.—Sothel arrives.—John Archdale visits Albemarle.—A view of the situation.—Sothel becomes a tyrant.—He is expelled.

#### The revolt successful

1677

C. R., I,  
242, 303

The Revolutionists, having appealed to the country for support, lost no time in dallying. A supply of arms was obtained from the *Carolina*, and Culpepper conducted a force to Chowan, where he seized the marshal and all the records in his possession.

C. R., I, 299

After keeping Miller and the other prisoners about a fortnight at Crawford's house, the Revolutionists proceeded by water to George Durant's, being accompanied by several boats filled with armed men. As they passed the *Carolina* she, with all her flags and pennons flying, saluted them by firing three of her great guns. At Durant's some seventy men had assembled, and Foster, with an additional party, soon arrived with their prisoner from Currituck. A search was now made for the seal of the colony, which was found, together with Miller's commission and other public documents, concealed in a hogshead of tobacco. Being in possession of the great seal and of the public records, and the old officers deposed and in prison, Durant, Culpepper and their associates proceeded to establish a government and to order matters their own way.

Dec., 1677



## A government by the people

1677

An Assembly of eighteen members was elected, which deputed five of its members (John Jenkins and Valentine Byrd being among the number) to sit with Foster, one of the Proprietors' deputies, and form a court for the trial of the prisoners, who were charged with treason. A grand jury was formed and a petit jury was being summoned when the proceedings were interrupted by the receipt of a proclamation issued by Governor Eastchurch, warning them to desist and return to their homes. Eastchurch had reached Virginia eight days before, and on learning of the revolt, hastened to demand that the Revolutionists should disperse and be obedient to lawful authority. The trials were adjourned and a force was despatched to prevent Eastchurch from coming into Albemarle; and, as Durant had threatened, they kept him out by force of arms. Disappointed and baffled, Eastchurch invoked the aid of the governor of Virginia, there being in that province the troops sent from England to suppress Bacon's Rebellion, and permission was given him to enlist volunteers. To meet this new danger that threatened them the Revolutionists organized a larger force, and to obtain the necessary funds seized the customs money which Miller had collected, and deposed him as collector and elected Culpepper in his stead, following a precedent that had just been set in Virginia, where the Assembly elected a collector to fill a vacancy. But while collecting recruits and organizing his forces Eastchurch fell ill with fever, and within a month died in Virginia. With his death all apprehension of immediate interference with their plans passed away. Durant and his coadjutors were masters of Albemarle. All of the deputies but Foster being arrested, and all opposition overcome, the Revolutionists now proceeded more slowly and with greater caution.

C. R., I,  
297, 299

C. R., I, 298

C. R., I, 298

Their success had been obtained by boldness and resolution, and it was complete; but looking to the future, they realized that their situation called for the exercise of wisdom

Victory  
brings  
moderation



1678

C. R., I, 300

Commis-  
sioners sent  
to England

and discretion. The interrupted trials were not resumed. Miller was conveyed to William Jennings's plantation at the upper end of Pasquotank River, where a log house ten feet square was built for his prison, and there he was confined, not being allowed either writing material or intercourse with any friend. Similar prisons were constructed for each of the other prisoners, and precautions were taken to prevent any of them communicating with England. But Biggs contrived to escape, and, succeeding in his efforts to reach Virginia, hastened to England. To counteract his representations to the Proprietors, the Assembly was convened and two commissioners were despatched to explain their proceedings and to conciliate the Proprietors by promising all manner of obedience to their authority, but they were to enlarge on the tyranny of Miller and to insist strongly for right against him. Chalmers says that these agents were Culpepper and Holden, but apparently he is in error. Somewhat later Holden, who had been in England, returning to Virginia stopped in Boston, and while there wrote to the commissioners of customs about what had taken place in Albemarle, and mentioned that he had never seen and did not know Culpepper. It is said that one of these commissioners was quickly despatched, Gilliam providing the funds, and that the other, George Durant, was to sail in the *Carolina* after measures to insure safety were perfected. Shortly afterward they were both together in London.

C. R., I, 288  
A free  
government

In the meanwhile there was established in Albemarle what Culpepper called "the government of the country by their own authority and according to their own model." The people had at last a free Parliament. Thomas Cullen was speaker, and among the members were John Jenkins, Alexander Lillington, Thomas Jarvis, Henry Bonner, William Jennings, Anthony Slocumb, John Varnham, William Crawford, Richard Sanders, Patrick White, and Valentine Byrd, and other substantial men. Byrd's career was, however, fast drawing to a close, and within a year the troubles of Albemarle had ceased for him.





Foster, one of the deputies, and the assistants chosen by the Assembly to act with the deputies in forming the grand council, were co-operating with the Revolutionists, and these, under the direction of Durant and Culpepper, managed the public business. While Harvey and many others may have been inactive, yet it does not appear that there was any substantial opposition to the revolt.

1677

The revolt  
one against  
arbitrary  
power and  
the naviga-  
tion laws

As neither the king's authority nor that of the Proprietors was denied, the Revolutionists did not regard themselves as being in rebellion. Indeed, at one time, when some of the people set up a cry that they would have no lords nor land-graves nor caciques, the leaders quickly hushed them and told them that that would not do. They justified their action on the claim of right to protect themselves from the arbitrary exercise of power by Miller; and as to that, the Proprietors found that they had cause for their action. But before Miller came as deputy-governor Durant had declared his purpose to keep Eastchurch out, and he took measures in preparation for the revolt. From the attending circumstances it reasonably appears that the original purpose was to escape from a too rigid enforcement of the navigation laws and custom duties, and to this end Culpepper was chosen collector. The annual tax on tobacco was £3,000, and that was the stake at issue. Indeed, just at that time strenuous efforts had been made to obtain from the king a repeal of this export duty. And while Charles, to show his favor to Carolina, did at his own charge send two vessels to convey some foreign Protestants to the province, and remitted some of the duties and restraints of trade, and might have granted this particular request, he was persuaded not to do so by his commissioners of customs, who strongly recommended against it because they foretold the exemption asked for would occasion abuses more easy to prevent than to abolish.

Purpose of  
the revolt

Thus the outbreak in Albemarle in 1677 was of the same color and similar in origin to the outbreak on the continent

Forerunner  
of the  
Revolution



1678

a century later, which in the course of its progress developed into a struggle for separation and independence.

Therefore, while the Revolutionists established courts and held parliaments and maintained order and otherwise carried on the functions of government, his Majesty's customs were not collected with vigilance and exactness.

Biggs

Timothy Biggs, although a Quaker, was by no means submissive to his opponents. Indeed, the Quaker faith in its early days did not have the exact cast that it subsequently assumed. On reaching London, he sought to persuade the Proprietors to put down the Revolution by force. In particular he urged that a ten-gun vessel could not be resisted, and that sufficient volunteers could be obtained in Virginia to rout the rebels. But the Proprietors were not of his mind. They did not choose to engage in such a conflict. Indeed, at that time it would have been difficult for them to have subjugated the people of Albemarle united in determined resistance.

The  
increase of  
Albemarle

The colony had grown. The tithables, being the working hands between sixteen and sixty years of age, numbered fourteen hundred, of whom, however, one-third were women and negro and Indian slaves. Although the Proprietors had bestowed but little attention on Albemarle, but had devoted their efforts to promote the growth of their new town on the Ashley, the neglected settlement was more populous and more prosperous than the southern colony. The planters were spread out from the Chowan to Currituck Sound; and besides a superfluity of provisions, of grain and cattle, their annual crop of tobacco was 800,000 pounds, which sufficed to secure the needed European commodities. And the discontent was general. Perhaps it was heightened because at this time, tobacco being very low, Virginia by act of Assembly undertook to prevent the Albemarle crop from being marketed through her ports, and prohibited any of it from being brought into that province. A measure so unfriendly was exasperating. Efforts had been made to establish local markets at different points on the Albemarle

Extent  
in 1677



shores, where the tobacco could be taken on board the vessels for shipment, and the Proprietors had given directions to lay off towns at Roanoke Island and elsewhere, but all such endeavors to establish centres of trade had proved futile. The tobacco was loaded at the farms of the producers. There were no villages in the settlement. The public business was transacted at private houses, and while George Durant's house was a place of meeting, yet other points were equally convenient. There was no locality where an attack by an armed force could have availed to subdue the inhabitants. The prudence of Durant now bore its fruits. The Proprietors rejected the proposal of the warlike Biggs, and listening to the commissioners of the people, took the other alternative. They sought to co-operate with the inhabitants; and accepting the assurance of the envoys that they had no purpose to antagonize legitimate authority, made efforts to establish order and government at Albemarle on a firmer footing.

While remonstrating and threatening that they would maintain their government with force, if need be, and would punish to the extent of the law any new outbreak, they declined to antagonize the revolutionary leaders, and pursued the wiser and better way of preserving friendly relations with their colony. Clarendon was now dead, and his share in Carolina had been purchased by Seth Sothel, who at that time stood well in the esteem of the other Proprietors. It was thought that the presence of a Proprietor would invest the administration with greater dignity and tend to allay the factional strife and dissensions that had been involved in the course of the Revolution. The commissioners representing Durant and his associates, perhaps glad to embrace such an easy solution of their difficulties, promised on the part of the people the utmost submission to Sothel if he should come as governor.

Proprietors  
acquiesce

And so it was arranged that he should be the new governor; and, the more certainly to remove former difficulties, the Proprietors had Miller's commission as collector of cus-





1679

SotHEL  
captured

toms revoked, and SotHEL was appointed to succeed him. He early sailed for his new government, but misfortune befell him during the voyage. The Algerines, whose piratical crafts were then scouring the seas near the Mediterranean, overhauled his vessel and took him prisoner. Efforts were at once made to secure his release by ransom, but for a time they were in vain.

#### John Harvey governor

1679

The Proprietors, to establish a temporary government, in February, 1679, appointed John Harvey governor until SotHEL should be released, and obtained for Robert Holden the appointment of collector, at the same time appointing him a deputy and conferring on him a commission to make an extensive exploration of Carolina to the mountains. Holden had been a follower of Bacon in the Virginia rebellion, but was pardoned and was then in England. In June he reached Boston, bearing the commissions for Harvey and for the other deputies. There he remained ten days examining into the methods of the New England traders, and he reported that a half dozen traders controlled all the tobacco raised at Albemarle, brought it to Boston, whence it was shipped as bait and illegally conveyed to Europe, and the king's customs were defrauded. A few weeks later he arrived at Albemarle, followed fast by Timothy Biggs, who resumed his functions as surveyor of the customs.

Miller flees

In August Harvey was acting as governor, and at a Palatine's Court held by him, on affidavits covering the charges against Miller by Jenkins in 1675, the deposed collector was again arrested, but broke jail and made good his escape to England. The old deputies had been reappointed, and the council and courts were substantially composed of the same members as under Miller's administration. Associated with the council to form the general court, Crawford, Blount, and Varnham were assistants chosen by the Assembly, being the same assistants elected before the outbreak in 1676. And these were members of the Revolutionary Assembly chosen



at Durant's house when Miller was deposed. Harvey, the governor, had not been an active participant on either side; but that he was not unfriendly with the Revolutionists is indicated by his appointment of George Durant and Alexander Lillington as justices for the precinct of Berkeley, with authority to hold the precinct court, which, besides a civil, had a criminal jurisdiction attached to it.

George Durant was now the attorney-general, and continued to be the most influential person in the colony; and as the Proprietors had condoned the excesses of the Revolutionists, he felt his power, and his enemies dreaded it. Biggs, as Miller's deputy collector and zealous supporter, had been an object of especial malevolence; and, moreover, there was probably some personal ill-will between him and Durant, growing out of Catchmaid's taking a patent in 1662 for Durant's premises; for although Catchmaid had entered into an agreement to convey to Durant, he had never done so, but the legal title had under his will vested in the widow, and on her marriage to Biggs, although he and Durant had come to an accounting, the matter was not closed.

Biggs was tenacious of his rights, a man of stubborn obstinacy, who realized his own importance as a king's officer, and he was fully satisfied with the honesty of his own purposes and of the dishonest purposes of the leaders of the Revolution. Smarting under a sense of the injuries and wrong he had suffered, for which the Proprietors had provided no redress, he declined to be complacent toward the new administration. Harvey having shown favor to Durant and his coadjutors, whose influence was still dominant in Albemarle, Biggs persuaded some of the other deputies to join him in withdrawing from the council, sought to interfere with the orderly collection of the customs by Holden and prevailed on a number of his Quaker adherents to leave the colony and seek refuge in Virginia.

In the early days of the Revolution the Quakers had sided with Biggs and James Hill, who were deputies and the most considerable men of their faith. Being called on to join the

1679

Durant  
dominant  
C. R., I, 313

Biggs  
retires to  
Virginia

The  
Quakers  
appeal to the  
Proprietors  
for  
protection



1679

C. R., I, 252

people in revolt, they had refused. Thereupon they were required to surrender their guns; and when they held their religious meetings it was alleged that they were plotting against the revolutionary government. Their numbers had increased considerably, not merely by conversion in Albermarle, but probably by accessions from abroad. In 1676 Edmundson, who had again visited the colony in that year, wrote in his journal concerning them: "The people were tender and loving; and there was no room for the priests, for Friends were finely settled, and I left things well among them." When Harvey's administration began, and the government, instead of being under the influence of Biggs, as they had hoped, was seen to be controlled by the popular faction, their disappointment was great, and entertaining apprehensions for their personal safety, they were led to abandon their homes. In September, 1679, a number of them joined in a remonstrance to the Lords Proprietors, setting forth their innocence of any turmoil and trouble and vindicating themselves from aspersion. They declared that "these persons by whom we have suffered are still breathing forth their threats against us; they having received an act of grace and indemnity, as they call it. And now that the heads of that sedition are elected to sit in Parliament, and some of them are of the court, and so consequently to become our judges, we shall be the objects for them to execute their vengeance upon;" and they appealed to the Proprietors for protection.

The Quaker  
remon-  
strance, 1679

#### **John Jenkins succeeds Harvey as governor**

The Proprietors sought to compose these differences among the inhabitants of their province, and while allowing to the dominant faction the powers of government, required that the minority should be protected from ill-usage. In the appointment of Harvey they seem to have chosen wisely, and after the first ebullition of dissatisfaction by the adherents of Biggs and Miller had subsided the administration seems to have been guided into calmer waters; but Harvey was not





destined to see the full fruition of his efforts to adjust differences. After a term of six months he died in office, and the council elected John Jenkins to be governor in his stead, Jenkins being in office in February. But the change in administration produced no alteration in policy, and quiet continued to prevail while Jenkins was governor.

1679

Harvey dies

Miller having made good his escape, on reaching England laid his case before the commissioners of customs, and proceedings were had that resulted in the arrest, in February, 1680, of Culpepper, who at that time was in England, on the charge of rebellion and of embezzling the customs. Culpepper admitted the facts alleged against him, but prayed for a pardon; and if not pardoned, he desired to be tried in Carolina. His requests were not granted, and he was arraigned and was on trial for treason when Shaftesbury appeared as a witness and declared that at the time of the Revolution there was no legal government in Albemarle; that neither the governor nor the government was legal according to the Constitutions of Carolina; and that taking arms against them could not be treason; and that the Parliament elected by the people was legal, the people having a right to choose a Parliament every two years of their own motion and without any writ; and that the disorder in Albemarle was not treason, but a mere riot. And so on Shaftesbury's testimony that Miller had obtained possession of the government without legal authority, and that it was not rebellion in the people to dispossess him, Culpepper was acquitted by the jury.

Culpepper  
acquitted

C. R., I., 331

1680

### Shaftesbury in exile

This was about the last appearance of Shaftesbury in connection with the affairs of Carolina. In 1679 he had attained the zenith of his great career. His unswerving purpose had been to obtain security for Protestantism and constitutional liberty, and he became the head of a strong party devoted to those objects. In order to check the growth of Catholic influences, he had made strenuous endeavors to have the



1680

queen removed from court, and to have James, Duke of York, the king's brother, dismissed from the council and excluded from the succession, and the Duke of Monmouth, a Protestant, declared legitimate so that he would succeed to the throne. In these efforts he failed; but he succeeded in forcing through Parliament the Habeas Corpus Act, which required immediate action on the part of any judge to whom an application for the writ might be made—since become the very palladium of Anglo-Saxon freedom. An election for Parliament occurring in 1681, he prepared instructions to be handed by the constituencies to their representatives, insisting on the exclusion of James, the limitation of prerogative, and security against popery and arbitrary power; and he again appealed to the king to legitimatize Monmouth. But the king instead seized him and committed him to the Tower. In October he offered to retire to Carolina if released. Charles, however, was relentless, and had him indicted for high treason; but the grand jury ignored the bill. Charles, still bent on his destruction, managed to secure the appointment of men of his own selection as sheriffs of London, and these picked the jurymen. Shaftesbury at length realized that he could not escape the vengeance of his enemies and fled in disguise to Holland, where he died in January, 1683.

#### Henry Wilkinson governor

Albemarle  
to observe  
the laws

Although Albemarle was now in repose, the Crown continued to complain of the seizure of the customs funds and the non-observance of the navigation acts. So the Proprietors agreed that steps should be taken to ascertain how much Miller's estate had been damaged and also promised that there should be an efficient government maintained in Albemarle; and particularly that the customs laws should not be evaded.

In February, 1681, the Proprietors appointed Captain Henry Wilkinson, then in London, governor of Albemarle, and gave him instructions to choose, with the consent of the council, four able, judicious men who had not been



concerned in the late disorders, who with him should be a court to try all disputes growing out of these troubles; and he was also directed to ascertain the damages suffered by the king's officers; and in his instructions there was power conferred on the council to elect a governor should he die in office. Sir William Berkeley having died, the Proprietors directed Governor Wilkinson not to admit any deputies for that share, they claiming that as Berkeley had not conveyed it in his lifetime, it devolved to his associates, and they asserted that Sir William had never paid a penny toward the settlement of Carolina. Later, however, four of them—Albemarle, Craven, Carteret, and Colleton—purchased the right of Sir William's widow, then the wife of Colonel Philip Ludwell, paying him £300 for it, and had it conveyed to Thomas Amy in trust for them. In 1686 it appears that Thomas Archdale, a minor son of John Archdale, had the title to Lord John Berkeley's share; Amy to Sir William's, and Sothel to Clarendon's; and Sir Peter Colleton was the Palatine. Wilkinson had been selected as governor because of his reputation for prudence, which led to a hope that he would be able to reconcile conflicting interests in Albemarle.\*

1681  
The devolution of the shares

The Proprietors, who were men of affairs, realized that the inhabitants of Albemarle had the purpose to manage their own concerns, and although they recognized the duty of protecting their officers and deputies who had striven to maintain their authority and to enforce the king's mandates, yet they considered it was best to pursue a conciliatory course rather than one of exasperation. Efforts were made to heal existing dissensions. An act of oblivion was passed, but with a saving clause in regard to the payment of the money that ought to have been collected for the king and to make satisfaction for the injuries sustained by Miller, whose property had been seized and destroyed; and the Assembly levied a tax to repay the customs money they had seized and used to carry on the Revolution. On the governor and council

The moderate policy of the Proprietors

C. R., I.  
328, 329

\*Wilkinson on his appointment was created a cacique.





1683

C. R., I, 283

the Proprietors urged moderation. "We hope," they said, "your own interest, as well as our injunction, will induce you to use your utmost endeavors to settle order among yourselves, without which you can never expect an increase of trade or strength. And these considerations ought so far to prevail that we shall not be constrained to use force to reduce the seditious to reason, since it is the good of the inhabitants we most desire and not the taking away of any man's life and estate."

### Sothel arrives

C. R., I, 346

But little, however, had been done toward redressing the injuries of those who suffered in their estates during the Revolution when Wilkinson's administration suddenly closed. Seth Sothel, after a long detention by the Turks, had been ransomed, and after a sojourn in England, in 1683 he sailed for Albemarle and assumed the government. Blank deputations had been signed to be filled out by him with the names of persons unconcerned in former differences; and he was instructed, with the consent of the council, to appoint three discreet persons not concerned in the disorders to form a court to try all actions growing out of those disturbances. But instead, he appointed, according to the complaint of Timothy Biggs, the very persons who had injured that unpopular official, and Biggs alleged that he could obtain no redress.

Archdale  
visits  
Albemarle

C. R., I,  
350, 351

John Archdale, one of the Proprietors, perhaps in right of his son, a man of education and of fine character, who, like Penn and other men of capacity, wealth, and social standing, had accepted the faith of George Fox, was then in Albemarle, and Sothel was instructed to confer with him about making these appointments. He was also directed to establish a county court for Albemarle, and to appoint a sheriff who should hold the court as under the Fundamental Constitutions, a court of criminal jurisdiction. At that time, also, a receiver was appointed to collect the rents for the Proprietors, the governor himself having before that been



charged with the duty of collecting them. And among other changes that occurred about this time, 1684, the names of the precincts were changed to Currituck, Pasquotank, Perquimans, and Chowan.\* Even at that early date some complaint was made against Sothel that he engrossed to himself the perquisites of the secretary and other inferior officers; and Colonel Ludwell, who owned a plantation in Albemarle, complained that it was withheld from him by Sothel on the pretence that it was forfeited.

1684  
MSS.  
Re. ords  
Off. Sec.  
State

C. R., I,  
351, 352

In 1686 Sothel was out of Albemarle, and John Archdale seems to have been conducting the administration. One of Archdale's letters gives a slight view of the colony at that time. "For the present," he writes, "we have not immediate opportunities to send to England, by reason there is no settled trade thither. . . . The country produces plentifully all things necessary for the life of man. . . . We at present have peace with all nations of the Indians." The Tuscarora king was very desirous to cut off a nation of Indians called the Matchapungoes, which Archdale prevented, and he hoped that he would have the country at peace with all the Indians and with one another; but the people were very fearful of falling into some troubles again should he leave them before the return of Sothel, and therefore he was remaining beyond his intention.

A view  
of the  
situation

Hawks, II,  
373

It was about this time also that the Coranines, a bloody and barbarous tribe, were cut off by a neighboring nation, and that the Pamlico Indians fell victims to some dreadful plague, which opened the way for a settlement south of Albemarle Sound.

On the death of Charles II, in 1685, his successor, King James, at first made promises of protecting the charters of the colonists, but soon steps were taken to bring them more immediately under the control of the Crown. Proceedings were begun to annul most of the Proprietary grants. The Proprietors of Carolina wisely avoided any controversy, and

The  
charters  
threatened

\*The precincts bore their old names in 1680.



1688

Sothel  
becomes a  
tyrant

their charter was not disturbed. Sothel seems to have governed acceptably to the people, although not observing his instructions, until after Archdale left for England. Then he entered on a career that has been described as infamous. Being a Proprietor, he assumed to be above the law. He seized upon the estates of some of the inhabitants without any process from the courts, and arbitrarily imprisoned some of the people. He used his authority to fill his purse, imprisoning men illegally and releasing them on the payment of money.

C. R., I, 369

Durant  
opposes him

Thomas Pollock and George Durant became victims. Durant was charged with speaking words reflecting on him, was seized and thrown into prison, and as the price of his release Sothel exacted a bond for the payment of a sum of money, which not being paid, he seized on Durant's estate without process of law. That was more than Durant would stand. The point of endurance was passed. The revolution of 1688, by which the people of England had driven King James from the throne, doubtless had its influence in determining the action in Albemarle. Durant and Pollock rose to right their wrongs. They seized the governor and confined him in a log prison ten feet square, intending to send him to England for trial. But Sothel sought to avoid that. He entreated them instead to submit his case to the General Assembly. This assented to, an Assembly was convened in 1689, and he was tried and convicted of many mean and despicable crimes, and of oppression, tyranny, extortion, and taking bribes. The solemn judgment passed on him was that he should abjure the country for twelve months and his government forever. On receiving information of these proceedings, the Proprietors, in December, 1689, suspended him from the office of governor and appointed Colonel Philip Ludwell to succeed him. On leaving Albemarle Sothel went to Charleston and assumed the reins of government as a Proprietor, but fell into such courses there that he was deposed by the Proprietors and instructed to return to London.

Sothel  
impeached  
and expelled  
1689

C. R., I, 362

Ludwell  
governor of  
North  
Carolina,  
1689





## CHAPTER XII

### ADMINISTRATIONS OF LUDWELL, JARVIS, ARCHDALE, HARVEY AND WALKER. 1689-1704

Philip Ludwell, governor of North Carolina.—Gibbs's claim.—Thomas Jarvis appointed deputy.—Ludwell governor of all Carolina.—His instructions.—Changes in the system.—Conditions in Albemarle.—Proprietors prepare rent roll.—Ludwell gives effect to the Great Deed.—Thomas Harvey deputy-governor.—John Archdale governor of Carolina.—The arrival of the Huguenots.—Erection of Bath County.—The line between Carolina and Virginia in dispute.—Pirates harbor in all the colonies.—Parliament directs that governors should be approved by the king.—Henderson Walker governor.—Changes in Albemarle.

#### North Carolina: Ludwell governor

The inhabitants of Albemarle were now extending the settlement to the west and south. The limits of the county had been defined by the sound and five miles beyond, and the time had come for an extension. The two settlements at Charleston\* and at Albemarle were spoken of as South Carolina and North Carolina. Albemarle was called North Carolina by the Virginia council in 1688, and in commissioning Governor Ludwell, December 5, 1689, the Proprietors appointed him "governor of that part of the province lying north and east of the Cape Fear." No longer was there to be a governor of Albemarle; but the province was divided into two governments, the one north and east of the Cape Fear and the other south and west of that river. Ludwell was the first governor of North Carolina. In his instructions he was authorized to appoint a deputy-governor, and he appointed Thomas Jarvis, who had been one of the first settlers, about 1659, to act as his deputy.

But the administration was disturbed by the claim of Captain John Gibbs, of Currituck, who on June 2, 1690, issued a proclamation declaring Ludwell to be an impostor, and

\*Charlestown on the Ashley was incorporated as Charleston in 1783.

1689

C. R., I, 357

C. R., I, 360

Albemarle  
gives place  
to North  
Carolina

C. R., I, 361

C. R., I, 467

Gibbs  
claims the  
government



1690

C. R., I, 363

challenging any one who would maintain Ludwell's title to meet him in single combat, and promising to "fight him in this cause as long as my eyelids shall wag." He also with a body of armed men invaded Albemarle, and broke up the courts and seized two of the magistrates and carried them off. His claim to be governor perhaps grew out of an election by the council after the removal of Sothel by the Assembly, for he invited the new deputies appointed by the Proprietors to meet with him along with the other councilmen chosen by the Assembly. His position was so strong that Governor Ludwell, who was in Virginia, represented to Governor Nicholson of that province the desirability of his intervention, and a month later Nicholson reported to the Crown officers at home that he had quieted the stirs in Carolina for the present, but that the people were mutinous, and how long they would remain quiet was uncertain. In the meantime, both Ludwell and Gibbs repaired to London to have the Proprietors determine their claims, and Gibbs lost his cause.

#### Thomas Jarvis deputy governor

MSS.  
Records  
Office  
Sec. State

C. R., I,  
373-380, 381

In the interim, between November, 1690, and November, 1691, Thomas Jarvis was acting as governor by appointment of Ludwell. In November, 1691, Craven, as Palatine, appointed Colonel Ludwell governor of all Carolina, with power to appoint a deputy-governor for North Carolina, and instructions were sent him not based on the Fundamental Constitutions, but "suitable to our charter from the Crown." The Fundamental Constitutions were largely abandoned. It was contemplated to have but a single parliament for the entire province, the representatives from Albemarle County meeting with those of the southern counties, such being the wording of the charter; but that being impracticable, the system of government in Albemarle was not thus altered.

Changes in  
the system

Therefore a governor had been appointed by the Proprietors for the northern colony; now, however, the governor of Carolina was authorized to appoint a deputy-governor for the northern as well as for the southern colony.



Another change made under his instructions was that the Assembly no longer elected five commoners to sit in the council, but the council was to be composed merely of the governor and deputies. The governor and council were to establish courts and appoint the judges to hold them, the council itself being a court of appeals and of chancery, and also a Palatine's Court. The former title had been the grand council, held by "the governor and lords deputies and the rest of the members of the council of state." A new court system was under these instructions established, and two of the council and some particular assistants were appointed to hold a general court; while the precinct courts continued to be held by the justices and the sheriff of the precincts. Somewhat later a change was made in the general court, and justices were appointed and commissioned to hold that court, being sworn in by the governor.

New court  
system

In their public instructions the Proprietors preserved the appearance of adhering to the Grand Model, but by private directions they allowed Governor Ludwell to ignore it in many particulars. In Albemarle the changes introduced in attempting to conform to it had been neither disagreeable to the people nor oppressive in their consequences. While in some measure the framework of the administration was based on the system, its more peculiar features were entirely ignored. It mattered little that the governor and council should be called the Palatine's Court; that the grants should be issued in the name of the Palatine and the other Lords Proprietors, an innocent innovation that continued until the purchase by the Crown in 1729, and generally the people of Albemarle were content. In South Carolina the situation was different. There the Proprietors had spent a large amount of money in fostering the settlement, had, pursuant to their chartered powers, created landgraves and caciques, and efforts had been made to enforce some of the particular provisions of the Fundamental Constitutions that were seriously objected to by the inhabitants, whose dissensions and violent proceedings caused the Proprietors more trouble and

C. R., I, 331

Influence of  
the Grand  
Model in  
North  
Carolina

Influence of  
the Grand  
Model in  
South  
Carolina





1693

anxiety by far than the alleged turbulence of Albemarle; and to smooth over matters, Ludwell was directed to consult the wishes of the inhabitants in conducting the government at Charleston.

Harvey,  
deputy-  
governor

Having authority to appoint a deputy for Albemarle, Ludwell at first continued Thomas Jarvis, and then appointed Thomas Harvey. He was, however, much in Albemarle himself, and while there acted as governor.\*

### Conditions in North Carolina

Little clash-  
ing with  
Proprietors

With Ludwell's administration a new era began in the North Carolina settlement. For more than a dozen years it now enjoyed undisturbed repose. Indeed, there had never been much clashing between the people and the Proprietors. In great measure the inhabitants governed themselves, the Proprietors being represented by some of the planters, whose interests were identified with those of the colony, while the governors were frequently selected from among the people. If there were any turbulent spirits, with the exception of Captain Gibbs, who asserted a claim to be governor and who lived very near the Virginia line, they manifested turbulence only on provocation. If occasionally a governor was deposed and imprisoned, it was because of offences and in vindication of freedom; and truly in tracing their story one finds remarkable illustrations of the sufficiency of their manhood to solve the problems of government. Even in the most trying times government was never dissolved; and while the will of the people was enforced, anarchy did not supplant

Character of  
the people

MSS.  
Records  
Off.  
Sec. State

\*Dr. Hawks, II, 495, mentions Alexander Lillington as acting as governor or president of the council. The author has not found that record. Jarvis was governor in November, 1690, and in November, 1691. Ludwell was present and acting as governor in November, 1693, and in April, 1694; Thomas Harvey in July, 1694; Ludwell in August; Harvey in September; John Archdale in July, 1695; and Thomas Harvey in April, 1696. In 1693 Alexander Lillington was "High Sheriff" of Albemarle County, and as such Governor Ludwell ordered him in November, 1693, to make proclamation, that all persons in Albemarle could have their land under the Great Deed of 1668, which led to Ludwell's removal from office.





LEA'S NEW MAP OF CAROLINA, 1895



law. If in 1677 the Revolutionists ran into excesses and, not content with seizing their enemies, destroyed their property, it was in a moment of exasperation. Order was quickly restored. Courts were organized and the machinery of government at once established on a new basis. For the most part the inhabitants had no quarrels with the Proprietors; but they did seek in every way to escape from the oppression incident to the enforcement of the trade regulations and custom laws.

The collection of the quit rents had from time to time been postponed, and the rent charged under the Great Deed was not onerous. But now perhaps the Proprietors were more intent on reimbursing themselves for their outlay, and the payment of quit rents became of interest. A rent roll of Albemarle prepared apparently about 1694 showed 146 planters, some of them with several plantations, the average holding being about 275 acres; altogether, about 40,000 acres in farms, and probably a population of 4000.

1693  
MSS.  
Records  
at Edenton

#### Ludwell recognizes Great Deed

In November, 1693, Ludwell issued a proclamation to the effect that under the Great Deed lands in Albemarle were to be granted at the same rate as in Virginia, subject to quit rents of only a farthing an acre; and he directed Alexander Lillington, the high sheriff of Albemarle County, to give notice thereof to the people of Perquimans. Fault was found with him for reserving that low rent, and for assenting to a new form of deed, that was considered to be in derogation of the rights of the Proprietors. He justified his action by declaring that it was in conformity with the Great Deed; but the Proprietors questioned the authenticity of that document, no copy of it having been retained in England, and they quickly revoked his commission. Still Ludwell continued to exercise the functions of governor in North Carolina during the years 1693 and 1694; and when he was not present Thomas Harvey was the deputy governor. To succeed Ludwell as governor of Carolina, Thomas

MSS. Off.  
Sec. State





1693

Smith,\* a planter in South Carolina, was, in 1693, created a landgrave and appointed governor. He seems to have continued Harvey in office, for the latter conducted the administration when no governor was present until his death, on July 3, 1699.

But Smith was hardly established in his government before he represented to the Proprietors that the dissensions in South Carolina were so great that no one could heal them except one of the Proprietors; and in August, 1694, John Archdale was prevailed on to come over as governor.

#### John Archdale governor

In the following June Archdale reached Albemarle, where a daughter, the wife of Emanuel Lowe, resided. While there he exercised the functions of governor. But after a short sojourn he passed on to Charleston, leaving Harvey in the administration. Because of the concessions made to Albemarle in the Great Deed, Archdale was directed to limit that county strictly to the territory north of the sound and east of the Chowan, and a higher rent was to be exacted for land beyond those boundaries.

C. R., I, 391

Huguenots,  
1691

Already settlements had been made elsewhere, and the western shores of the Chowan were well occupied. In 1691 some of the Huguenots who had originally settled on the James River, being attracted by the warmer climate, came to Carolina and located on the Pamlico, where they prospered so satisfactorily that constant accessions were made to their numbers. Indeed, population was now extending itself rapidly to the southward.

C. R., I, 472  
Archdale  
County

After Archdale became governor, the Pamlico region was called by the council Archdale County in his honor; but at a Palatine's Court held on December 9, 1696, he being then in North Carolina, and presiding, an order was passed that inasmuch as several persons had seated themselves on Pam-

\*It was about this time that a grant of 40,000 acres of land was issued to Smith, and located on the Cape Fear River, and perhaps it was then in contemplation to make a settlement on that river; but if any were made, no evidence of it has been preserved.



lico River, a writ of election was to issue to them as Pamlico Precinct, in Bath County, to choose two assemblymen. The change of name was made in compliment to John Lord Granville, Earl of Bath, a Proprietor, who possessed the share originally belonging to the Duke of Albemarle, and who on the death of Craven, in 1699, became the Palatine. The precinct of Pamlico was thus organized in 1696. Later Wickham Precinct was established on the south of Albemarle Sound, and before 1708 a third precinct was established south of Pamlico Sound, called Archdale.

1696

Bath  
County,  
Lawson's  
map

C. R., I, 472

From North Carolina Archdale returned to England, leaving Harvey his deputy in North Carolina, and appointing Joseph Blake his deputy for South Carolina. Blake was a nephew of the great admiral, and had once before been deputy-governor at Charleston. His father, being a dissenter and fearful of persecution in England, had years before removed to South Carolina. A few years earlier the South Carolina Assembly had made a strong remonstrance against some of the provisions of the Fundamental Constitutions, and in 1691 and 1693 they had been annulled; but in 1698 the Proprietors, after consultation with Major Daniel, reformed the Constitutions, reducing them to forty-one articles, eliminating the provisions about leet men and leet courts, and making other changes, particularly with regard to courts, and they sent a copy of the amended Constitutions to Governor Blake by Colonel Daniel.

Harvey  
deputy  
governorC. R., II,  
85aThe Consti-  
tutions  
revised

These Constitutions had been operative in North Carolina only in some particulars, and the changes now made in them were not of much interest to the inhabitants; but this amended copy seems to have been considered in the colony as taking the place of that originally sent over. The administration in North Carolina was, however, in conformity with the instructions to the governors rather than in close adherence to the Fundamental Constitutions; and the court system was modified under Archdale's government, and apparently other changes were made about the time this new copy of the Constitutions came over. Earlier, the general court had been

C. R., III,  
453



1698

Court  
system  
modifiedCourt  
Records  
M.S.  
Off. Sec.  
State

held by the governor and the council, with some assistants. Now a commission was issued to two of the council, one of whom was to be present at the court, and to some assistants. The first commission of this sort was to Samuel Swann and William Glover, and one of them was to hold the court, there being in attendance one or more of the other judges or justices. The title of chief justice was not specifically bestowed on either at that time, and its earliest use appears to have been in 1713.

#### **The line between Carolina and Virginia disputed**

About the year 1680 the uncertain location of the dividing line between Albemarle and Virginia began to attract attention. Some of the inhabitants of lower Norfolk and Currituck had taken out their grants from the Virginia authorities and had paid their annual dues to Virginia; but now Albemarle claimed payment from them, and on their application that the line should be established, the Virginia officials pleaded ignorance of the second grant to the Proprietors, which extended their territory thirty miles to the northward. But proof being furnished, in 1692 the surveyor of Virginia ascertained substantially where the line  $36^{\circ} 30'$  would run, and as the Old Dominion would lose considerable population and property, her authorities stubbornly resisted every attempt to have the question settled, and urged that the king should buy Albemarle and attach it to Virginia, saying that £2,000 would be a fair price.

C. R., I, 386

C. R., I, 542

#### **Pirates infest the coast**

Indeed, there was always some ground for apprehension that the grant to the Proprietors would be annulled and their province be taken from them. Complaints were made that pirates found ready access to Carolina, and that the governors for bribes issued illegal commissions to sea rovers; and the evasion of the navigation acts was a continual source of trouble. These allegations, however, applied to South Carolina rather than to Albemarle, while there was yet greater cause for scandal at Philadelphia and in all the northern





governments. Still, there was one particular charge made against North Carolina. "Thomas Harvey," said Randolph, "put masters to great charges because of their vessels not being registered, though the time limited for registering them was not expired." This, however, would seem to indicate that Harvey was too exacting in demanding a compliance with the law. Another complaint Randolph makes against Albemarle is: "The tobacco made in that province is generally carried to Boston or to the islands near to Connecticut colony, where it is carried to Scotland, etc., which fraud ought speedily to be prevented." In this it would seem that the Albemarle authorities were entirely within the law, as it was clearly their right to ship their tobacco to Boston and Connecticut, and if the traders of those northern marts afterward smuggled the tobacco into Scotland, Holland, and Ireland against the law, the offence ought not to be laid at the doors of North Carolinians. Mr. Randolph continues: "During Governor Harvey's government his Majesty's ship, the *Hady*, was driven ashore upon the sands between the inlets of Roanoke and Currituck. The inhabitants robbed her and got some of her guns ashore and shot into her sides and disabled her from getting off. The actors were tried, and one of the chief was banished. Henderson Walker, the present governor, in no sort fit for the office." The conclusion does not appear to be well drawn from the premise. The affair happened in Harvey's time, and the government was active. That the bankers were thrifty is undeniable, as the name "Nag's Head"\* would indicate. Still so notorious were the evasions of the revenue laws in all the Proprietary governments that in 1689 it was proposed in Parliament to take cognizance of the colonies in America and bring them more directly under the control of the king.

\*The name "Nag's Head" is said to have been derived from a practice of the bankers fastening a lantern to the head of a horse, which as the horse walked at night would have the appearance of a light on a ship gently moved by the waves, thus alluring vessels to the shore. There was also a "Nag's Head" on the southern coast of England, so named from the same practice.

1698

C. R., I,  
547, 548Complaints  
against  
Albemarle

C. R., I, 547



1699

C. R., I, 506

For the proper enforcement of the trade regulations it was deemed necessary that the governor and other chief officers should be appointed with the king's concurrence; but this direction at the time was not observed by the Proprietors. At length, in 1697, Parliament enacted that not only should the governors of the colony be approved by the king, but they should take certain oaths of office before qualifying. So when, in March, 1699, Governor Harvey appointed Daniel Akehurst and Henderson Walker commissioners to arrange with the Virginia authorities for establishing the dividing line, Governor Nicholson refused to recognize Harvey's authority because he had not taken the required oaths of office.

#### Henderson Walker governor

1699

C. R., I, 514

It was during this correspondence that the governor of Virginia alleged that runaways escaping from Virginia were harbored in North Carolina, which brought out an indignant denial by Henderson Walker, who in July succeeded Harvey as governor. In his reply Governor Walker said: "I assure you that neither our laws nor our practice deserves such an imputation of evil neighborhood. Neither are there any runaways harbored here that we can discover by diligent inquiry; nor shall any such thing be suffered so far as it is in our power to prevent it." Governor Walker, whose skill as a letter writer suffers nothing by comparison with that of the governor of Virginia, then recited the laws in force in Albemarle, and specified some particular runaways who had come into the settlement, but had perished in the uninhabited parts of the country; and he expressed the belief that the same fate had befallen others seeking to escape into South Carolina. He did not rest easy under this suggestion of his Virginia neighbors.

#### Changes in Albemarle

In the course of time Colonel Jenkins, Valentine Byrd, the Harveys and many of the old leaders in Albemarle had passed



away and other men had risen to prominence. Durant died in 1691, at the age of sixty-nine, while Sothel, after an unsettled life still marked by devious ways, made his exit in 1693, leaving a widow in Albemarle. Thomas Jarvis, one of the first seaters, and deputy-governor in 1691 and subsequently, passed away in the spring of 1694. Alexander Lillington, who had figured largely in the Culpepper Rebellion, and whose family connection came to be the most influential in the settlement, after marrying a third wife in 1695, succumbed to disease two years later, at the age of fifty-three, Governor Thomas Harvey soon following him. But Thomas Relife, also one of the first seaters, was still living, and survived until 1707, being then ninety-three years of age. He was one of those who made the first clearings before the name Albemarle was ever heard of on the shores of the river Carolina.

1700

1699

Major Sam Swann was now a resident of Perquimans, a member of the council, judge of the general court, and collector of customs, and Colonel Thomas Pollock, Henderson Walker, William Glover, and John Porter (speaker of the Assembly) were at the close of the century among the most influential inhabitants.

### Life in the colony

A letter written about the close of the century by William Gale from Perquimans gives some insight into the affairs in Albemarle at that time. Mr. Gale was just setting out on a four months' voyage to the Cape Fear, whither he had sent a shallop's load of goods to trade with the Indians. Apparently he intended to pass up that river and go as far westward as the mountains to establish an Indian trade there. A well-qualified Indian trader, he says, "secures for himself a comfortable living in this world." "All sorts of English goods are here very valuable, especially nails, carpenter's tools, hoes, axes, all sorts of linings, powder and shot, hats, stockings, and what else is requisite to make a sortable store." The most direct route of communication from England was

S. R., XXII.  
732





1700

Social life

by London ships bound for York River. Of the Indians he said, "they live in small towns and bark cabins, palisadoed in with two or three rows of stakes. Every town or nation has its particular king and different language. They have some notion of the flood, but very obscure. They offer the first fruits of everything they eat to the devil, by whom they cure diseases, and act several strange things, as laying the wind." He mentioned some thirteen different tribes, with whom he was well acquainted and had very free commerce. "If Henry Ramsbottom was here and would work, he might live a companion for the best. His trade would bring him in £300 per annum. Others might do very well. Our greatest grievance is want of books and pleasing conversation. The Quakers are here very numerous, but as for Independents, Anabaptists, Presbyterians, and other sectaries, they have little or no place here. Most who profess themselves doctors and attorneys are scandals to their profession. The decay of Christian piety is in such large characters that he who runs may read. The second of January last it pleased God to make me happy in a son, who bears the name of his grandfather, but he has still the unhappiness to be unchristened, to my great grief, the only minister we have had of the Church of England having left us before my son was born, but it was no loss to religion, for he was ye monster of ye age."

Prices

The inventories of deceased persons filed in court afford some information of the style of life and the value of household goods. Pewter dishes were in common use. A dozen pewter plates were valued at about £1. Holland sheets at fifty shillings a pair for fine ones, and thirty shillings for coarser ones, while Osnaburg sheets were five shillings a pair. A feather bed and bolster at £6. Fifteen yards of kersey at something less than £2. Plain shoes at three shillings per pair. A fowling piece at £1 10s. Iron pots were valued at four shillings a pound. A hand mill for grinding meal was £6; a broad axe four shillings and a hand-saw two shillings. Sheep were valued at ten shillings; cows at thirty shillings, and shoats at five shillings. Negro



men were valued at £35 sterling; negro women at £30, and children at £10. Mary, an Indian, was thought to be worth £20; and a white woman servant, probably indentured, at £2 per year for the time she had to serve. At that time cotton appears to have been cultivated. Lawson says: "The women make a good deal of cloth of their own cotton, wool and flax: some of them keeping their families, though large, very decently apparelled, both with linens and woollens, so that they have no occasion to lay their money out for clothing." But trading vessels came in often, bringing merchandise, which was paid for in produce, rather than money. There were hatters, and others skilled in different trades in the colony. Tar, pitch, corn, tobacco, etc., had a debt-paying value fixed by law. While most of the houses were of wood, there were some of brick; the lime being made from oyster shells. The women, says Lawson, are well featured and "have very brisk, charming eyes. They marry very young, some at thirteen or fourteen; and are very fruitful, most houses being full of little ones. The girls are not bred up to the wheel and sewing only, but the dairy and the affairs of the house they are very well acquainted withal."

1700

Lawson, 142



## CHAPTER XIII

### THE EXCLUSION OF THE QUAKERS

Albemarle at the opening of the new century.—Religious affiliations.—The Quakers.—Nathaniel Johnson governor of Carolina.—The Church party in South Carolina.—Major Daniel succeeds Henderson Walker.—The Quakers excluded from office.—The Constitution ignored.—A new church law.—Daniel removed.—Succeeded by Cary.—The colony grows.—Virginia disputes the boundary.—John Porter's voyage to England.—He obtains redress.—New elements in the controversy.—Porter breaks with Glover.—Two governments contending.—Both call the Assembly.—Glover departs to Virginia.—Cary in possession.—The government orderly. . . .

#### Albemarle at the opening of the new century

1701

In a decade of entire repose, undisturbed by any dissensions, the administration being by the people and for the people, and quiet and orderly government prevailing, the settlement had grown in population and in importance. The more influential families were attracted to Chowan, while in Pasquotank and Perquimans the Quakers had considerably increased. Their numbers may have been swollen by some few additions from abroad, but Governor Walker in 1703 attributed their growth entirely to the preachers who yearly came to Albemarle to encourage and exhort to Quaker principles. And there were none to dispute with or to oppose them, for there were no churches in Albemarle and no preachers. In England, before the Toleration Act was passed, in William and Mary's reign, there was some persecution of non-conformists and dissenters, to whom the freedom of conscience guaranteed by the charter and laws was an inducement to remove to Carolina, but they located near Charleston. There was no great influx of population to Albemarle from beyond the seas. Accessions had come from Virginia and the neighboring colonies; and even if they

C. R., I,  
572

May 24, 1689





were originally adherents of the Church of England, in the absence of religious ministrations their affiliations became weakened; and, indeed, those born in Albemarle, who had never attended any religious services, could have had but slight attachment to any church. There were no missionary societies then in the world, and other than the travelling Quaker preachers, there were no missionaries. But about the close of the century the Bishop of London, to whose jurisdiction the colonies had been assigned, sent Dr. Bray to Maryland to settle some differences, and he becoming interested in the religious condition of the colonists, established the Society for the Propagation of the Gospel in Foreign Parts, and sought to have ministers sent to America. By correspondence he inspired zeal among some of the churchmen in Albemarle, which doubtless was heightened by the general religious revival incident to the Pope's having proclaimed the year 1700 as a year of jubilee.

In that year the first minister of the Church of England was sent to Albemarle, Mr. Daniel Brett, who on his arrival conducted himself satisfactorily, but soon began such a course as brought trouble and grief to the churchmen and strengthened the antagonism of those opposed to that communion. With the opening of the new century Governor Walker and other churchmen, in order to procure some religious services in the colony, made strenuous efforts to elect an Assembly that would establish parishes and provide for the erection of church buildings and the maintenance of ministers. And the Assembly of 1701 passed such an act. By it vestrymen were appointed in every precinct, who were, besides other duties, to erect church buildings and collect the assessments for church purposes. In Chowan, where the adherents of the Church of England predominated, the vestry met that fall and made provision for a "reader" and for erecting a chapel, which was completed the next year. Later other chapels were erected.

In April, 1703, Mr. Blair was ordained to go to Albemarle, and the next January reached the settlement. By that time

C. R., I. 572  
Brett, 1700

C. R., I.  
500



1703

Blair, 1704

C. R., I,  
600, 603C. R., I,  
708

Gordon, 1708

a "reader" had been established in three of the precincts; but there were a great many children to be baptized, "whose parents would not condescend to have them baptized with godfathers and godmothers." Besides the Quakers, Mr. Blair found many who would be Quakers, but were deterred by the moral life the Quakers enjoined; others were in faith like Presbyterians, and had preachers who baptized among them, without, however, having any manner of orders; and lastly the Church of England people, who were the fewest in number. The four old precincts were divided by rivers along whose banks for a distance of some twenty miles lay the plantations; and between Pamlico and Albemarle there were fifty miles of desert without any inhabitants. The Indians were numerous, and on visiting their towns he found many who could speak English and seemed to be fond of their white neighbors. Mr. Blair would have remained in the settlement, but no adequate provision being made for his maintenance, he soon returned to England, suffering the mishap of being taken prisoner by the French on his way.

A few years later Mr. Gordon gave a more extended account of the inhabitants. Chowan, as it was the largest of the old precincts, was the thinnest peopled. It contained no Quakers or other dissenters; but the people were very ignorant, there being few who could read and write.

### The Quakers

The Quakers in Perquimans were numerous, extremely ignorant, proud and ambitious, and consequently ungovernable. Many persons had accepted that faith, being willing to embrace any religion rather than have none at all. Pasquotank also was largely peopled by Quakers. The roads, bad enough everywhere, were worst there, but it was closer seated than the other precincts and relatively more populous. In their way of living, the people of Pasquotank had much the advantage of the other inhabitants, being more industrious, careful, and cleanly; but above all, says Mr. Gordon, "I was surprised to see with what order, decency, and seri-



ousness they performed the public worship, considering how ignorant the people are in the other parishes." One of the distinctive principles of the Quaker faith was that preaching should be but the outpouring of the spirit; that one should preach only as the spirit moves him; and on principle they were opposed to a paid ministry, and also to paying tithes to support ministers. The Quakers in Albemarle were therefore violently opposed to the new church law, that imposed on them the duty of contributing to the support of paid pastors, and as the next election for assemblymen after the adoption of that law drew nigh, they made the repeal of that act an issue. But about that time the act was returned by the Lords Proprietors, annulled and disapproved by them, because the provision made for the maintenance of the ministers was inadequate; and so it ceased to have effect without the necessity of repeal by the Assembly.

1703

1701

C. R., I, 572  
Mr. Blair

C. R., I, 601

#### Nathaniel Johnson governor of Carolina

In South Carolina Governor Moore had led an expedition against Florida, but on his return a faction arose violently opposed to his administration, so in June, 1702, Lord Granville, the Palatine, appointed Sir Nathaniel Johnson, who was then residing in South Carolina, to be governor.

Under a recent act of Parliament, because of the trade regulations, a bond was required of the new governor, and he offered as his bondsman Thomas Cary, a merchant of that province, who later was to figure largely in North Carolina affairs.

1695

In their instructions to Governor Johnson the Proprietors required him to observe the Fundamental Constitutions as modified in 1698. There was, however, no change made in administrative methods in Albermarle.

But while the direction to enforce the Constitutions brought no trouble in Albemarle, a period of great unrest and disorder now began, based on religious opinions. The same differences among Churchmen that marked that period in England had found their way to the forests of Carolina.

The Church  
party in  
South  
Carolina





1704

Church  
uniformity  
in South  
Carolina

There were those who cried out for conformity, while others advocated toleration. Johnson's appointment was the signal for a great show of zeal by the High Church party in South Carolina, whose leaders were closely associated with Moore and sustained his administration while the opposing faction demanded a rigorous examination into the matters connected with the Florida expedition. By great activity, Moore's friends secured a majority in the Assembly, and by one vote carried through a bill rigidly excluding all dissenters from the Assembly; and when this act came before the Proprietors for ratification, although violently opposed by some, it was approved by Colleton and by Granville, whose intolerance and arbitrary spirit were in full sympathy with its provisions, and notwithstanding Archdale strenuously objected, Granville also signed for Carteret and Craven, and it went into operation.

#### Major Daniel succeeds Walker

Robert  
Daniel  
deputy -  
governor

In April, 1704, Governor Walker died, and Governor Johnson sent Major Daniel, who was a landgrave, from South Carolina to be deputy-governor. Major Daniel had established for himself an enviable reputation for bravery and experience in business. He had won laurels during the war with the Indians and Spaniards at the south, and was highly esteemed. Some of the neighboring tribes now giving trouble, he called a council of their chiefs and agreed with them for a firm peace, one of the articles being that the English were not to furnish rum to the Indians.

The  
Quakers  
excluded  
from office

Up to that time the Quakers had not been required to take oaths in Carolina, being excused by the original concessions and by the Fundamental Constitutions; but soon after Daniel's arrival in the colony the act of Parliament imposing the oaths of allegiance to Queen Anne, who had just come to the throne, was transmitted to him, and he tendered them to the members of the council and other officers of the government. They were such oaths as most dissenters could take; but the Quakers would take no oath whatsoever, and

C. R., I,  
709



insisted on their constitutional right to sign a declaration of like tenor in a book. This privilege was now denied them, and they were excluded from their places under government. And when the Assembly met the same proceedings were had, and the house was thus purged of Quakers. A large part of the population was denied the right to hold office. It was in effect a revolution, changing without legal sanction the constitution of Albemarle.

1704

It was inconsistent with the Grand Model, subversive of the fundamental constitution of the colony and utterly repugnant to those practices and customs which had their origin in the earliest lodgment in the wilderness and had grown with the growth of the settlements as the woof and warp of the rights of the people. The whole foundation on which the political structure of the colony rested was wiped away by this requirement of an oath of office to be taken after the prevailing English fashion; for it is to be observed that it was not until the eighth year of George I, twenty years later, that the affirmation of Quakers was received in England in lieu of the customary oath. But on this new requirement Governor Daniel insisted, and, carrying his design into execution, he drove the Quakers from the house and thus secured a pliant majority, who followed his leadership.

Wm.  
Gordon's  
statement,  
C. R., I,  
708-715

A new law for establishing the Church was enacted, and, to secure it against the possibility of repeal, he determined to exclude Quakers from future assemblies, and to this end he caused an act to be passed prescribing an oath of office to be taken by way of qualification for membership. And so the church act was passed beyond the power of repeal.

A new  
church law  
1704

But the violence of this course resulted in commotion. The Quakers were not disposed to be deprived by this parliamentary proceeding of the political rights they had hitherto enjoyed in the colony. They were numerous in Pasquotank and Perquimans, and by uniting with the Presbyterians and other dissenters in Bath, they were superior in power to the Church party, who were in the majority only in Chowan and Currituck. Such an alliance seems to have

C. R., I, 709

The  
Quakers  
resist



1705

been formed, and an effort was made to secure the removal of Governor Daniel, and they soon had the satisfaction of obtaining an order for his suspension.

### Thomas Cary governor

Cary  
succeeds  
Daniel,  
1705

Again was Governor Johnson called on to appoint a deputy-governor, and this time he selected Thomas Cary, a merchant doing business in South Carolina, who came to his new charge in 1705.

When the legislature assembled to meet Cary, the law passed the year before requiring an oath of office to be taken by the members was still on the statute-book, but it seems to have been expected that Cary would either ignore that law altogether, or, not enforcing it strictly so far as the Quakers were concerned, would admit them to seats on their making affirmation after the custom of that sect. Cary, however, followed the same course that had led to Daniel's downfall.

He disappointed all the favorable expectations that had been raised by the change of governors, and augmented the inquietude of the colony by proceeding still further in the line of the new departure.

C. R., I,  
709

The Assembly met him in November, but the members refusing to take the oaths, he dissolved it and called a new election. When the new Assembly met, applying the law which required an oath of office with rigorous exactness, he excluded the Quaker members and obtained a majority that would sustain his measures. He then caused an act to be passed imposing a fine on any person who should enter into an office before taking an oath of qualification and another declaring void the election of any person who should promote his own candidacy.

With these provisions in force, not only were the Quakers debarred from entering into an office, but the election of any Presbyterian or other dissenter who was objectionable might be declared void on the slight pretext that he had promoted his own election.

Step after step had been successfully taken to bind the





Assembly hand and foot. Inflamed by Cary's proceedings, the opponents of these measures hastened to send John Porter to England to seek a redress of grievances.

1706

### The colony grows

In the meantime the growth of the colony, especially to the southward, had continued. The town of Bath was laid off in 1704. The precinct of Pamlico, established ten years earlier, was in 1705 limited from Moline's Creek five miles west of the mouth of Pungo to the westward up the Pamlico; and from Moline's Creek north and east was Wickham Precinct; while all south of Pamlico River, including the settlers on the Neuse, was Archdale Precinct. It was in Archdale Precinct on the Trent that the Huguenots had located. Lawson says: "Most of the French who lived at that town on James River (Mannakin Town) are removed to Trent River, where the rest were daily expected, in August, 1708." There they made very good linen cloth and thread and raised considerable quantities of hemp and flax, being well established. They were accompanied by their pastor, Richebourg.

C. R., I,  
629

C. R., iii, 453

Lawson's  
Hist. of  
N. C., 241

These precincts were each allowed two representatives in the Assembly. The influx of population was chiefly from Virginia, and so great was the movement that the commissioners of trade and plantations at London directed an inquiry into its causes and how it might be prevented. Among the new accessions was John Lawson, an Englishman, who landed at Charleston in 1700 and journeyed through the interior near the sites of Salisbury and Hillsboro, then eastward to Pamlico, and he remained in the colony studying its natural history. He returned to England in 1707 and published "A New Voyage to Carolina" in 1709 (later reprinted as the "History of North Carolina"), with a map of the province at that time. He returned to Albermarle as surveyor-general in 1711.

John  
Lawson

C. R., I, 703

Another important accession was Edward Moseley, Gent., probably an Englishman, perhaps from the Barbadoes, who

Edward  
Moseley



1706

came into the province about 1704 and soon began to play a prominent part in public affairs, being surveyor-general, and in 1705 a member of the council.\*

Hawks, II,  
139

Governor Daniel, who was a landgrave, located near Bath Town, a region which was now attracting many of the new settlers; but others pushed up the Chowan, where they came in contact with the Meherrin Indians, who were forcibly dispossessed of their lands and moved farther to the northward, a proceeding which again involved a dispute with Virginia about the dividing line.

C. R., I,  
658The Indians  
reduced

The Chowan Indians had formerly, by grant from the Yeopims, occupied the land on the south of Meherrin River, and after the Indian war of 1675, in which they were subdued, they were required to locate farther eastward. The Meherrin Indians settled on the north side of that river and then roamed on the south side, where they eventually had plantations. In 1706 they were ordered to abandon these plantations and move to the north side. Not obeying these directions, Colonel Pollock, who had possessions on the west side of the Chowan, with a force of forty-six men seized many of them and brought them to terms. The government of Virginia complained of this proceeding, declaring that the land along the Meherrin was in its territory, and that the Carolinians had no right to locate the Indians upon it; but being doubtful of its claim, the Virginia surveyor was directed to secretly run a line  $36^{\circ} 30'$  to see where it really was. He probably discovered enough to remain quiet, for when the dividing line was established later the Virginia claim was shown to be erroneous.

#### John Porter's voyage to England

Oct., 1706

The prime objects Porter had in view appear to have been the restoration of the rights of the Quakers to hold office, the setting aside of the laws requiring the assemblymen to

\*On May 7, 1703, the treasurer of South Carolina paid Edward Moseley £5 15s. for transcribing the catalogue of the library books at Charlestown. On August 4, 1705, Edward Moseley married the widow of Governor Walker.



take an oath of office, and the restoration of the privilege of the colony to choose its own governor from among the council. He had hardly reached England before Cary left Albemarle and returned to South Carolina, where he remained for more than a year, not coming back to his government until after Porter himself had returned, and during his absence William Glover, a member of the council, administered the affairs of the colony.

1706

MSS.  
Records  
Off. Sec.  
State

C. R., I, 693

Porter's visit to England was well timed. He found public attention largely addressed to Carolina affairs. The "Representation of the case of the Dissenters in South Carolina," made by John Ashe, had been supplemented by DeFoe's "Party Tyranny in Carolina," and public interest had been awakened in the grievances of the distant colonists. Boone, from South Carolina, had secured the co-operation of merchants dealing with the province, and their petition to the House of Lords had led that body to address the queen, setting forth the illegality of the proceedings at Charleston, and the queen in council had thereupon declared the church legislation of Governor Johnson null and void, and had directed steps to be taken to declare the charter forfeited; and besides, the church dignitaries had expressed their strong disapproval of the measures by which the Church party in South Carolina had sought to carry out their political purposes.

Gordon's  
letter,  
C. R., I,  
705-715

C. R., II, 817

C. R., I, 634

C. R., I, 643

Under these circumstances John Porter's mission could hardly fail of success. He obtained substantial redress, and after lingering a year in England, returned, in October, 1707, bearing an instrument of writing, or commission, for the settling of the government, by which the laws imposing oaths were suspended; and he also brought an order suspending Colonel Cary as governor, and vesting the powers of that officer in the president of the council, to be chosen by that body, according to the custom before Daniel's time.

C. R., I, 709  
Oct. 1707

He also obtained new deputations from the Lords Proprietors appointing other deputies, a majority of whom it





1707

is stated were Quakers. Thus equipped, his aim seemed accomplished; but difficulties, however, apparently arose in the performance of his programme.

New  
element  
in the  
controversy  
MSS.  
Records  
Off. Sec.  
State  
C. R., I, 710

May, 1708

On his return, in the fall of 1707, Porter found Governor Cary still absent and William Glover conducting the administration as president of the council. This arrangement he did not disturb. Indeed, it appears that Glover was then chosen president of the council, and for some time remained at the head of the government with the sanction of all parties. But later Glover refused to admit the Quaker deputies unless they would take the oaths. Discontent at once was manifested by many of the people, and it became so prevalent that on May 13, 1708, Cary, who had then returned, Porter, Foster, and Pollock, representing the various factions, united in a proclamation commanding the people's obedience to the existing government.

Hawks, II,  
381

C. R., I, 727

But hardly had this proclamation been issued before a new element entered to breed further disturbance.

C. R., I,  
689, 732  
Hawks, II,  
310

C. R., I, 689

Mr. Adams and Mr. Gordon, two ministers sent out by the Society for the Propagation of the Gospel in Foreign Parts, arrived in the colony about that time, and their coming set the Quakers and Presbyterians and all opposed to the church law in violent commotion. Glover writes to the Bishop of London, September 25, 1708, that "time had slipped away while I was engaged in the unhappy troubles which the enemy, alarmed at the coming over of these worthy gentlemen, has raised against me."

C. R., I, 720

Mr. Adams wrote in October, 1709, that when Gordon and himself came over (April, 1708) "we found the government in the hands of such persons as were promoted for God's service and good order and from whom we met with all reasonable encouragement. But now the case is sadly altered, for the Quakers, alarmed at our arrival," etc. And Glover himself two years later wrote to the Society: "Although the trouble and confusion this unhappy country has labored under ever since the arrival of your Lordship's missionaries has compelled me to retire from all public employment," etc.

C. R., I, 732



It was evidently the arrival of the two ministers that changed the aspect of affairs.

1708

#### Porter breaks with Glover

While these commotions were agitating the colony, some time between May 13th and July 24th, it would seem that Porter found it expedient to break with Glover, and confessing the disappointment he had experienced at his hands, to establish the authority of the new council without waiting for the Assembly. To this end the new council was called together, and on July 24th it chose as president Colonel Cary, who doubtless agreed to conform his actions to the expressed will of the Lords Proprietors and to carry out the letter and spirit of the commission for settling the colony, which he perhaps found less hesitation in doing now that Granville was dead and the motive for siding with the Church party was no longer so apparent.

July 24, 1708  
C. R., I, 793C. R., I,  
688, 710

What took place during that long, hot summer is not recorded, save only in a general way that the colony was the scene of great disturbances and that the Church party lost ground and fell into a pitiable minority.

Disturb-  
ances, 1708

On September 18, 1708, Mr. Adams, who remained in the colony after his coadjutor, Mr. Gordon, had withdrawn from the commotion, writes concerning the troubles: "Besides, we shall be engaged in perpetual broils as we now are at present, for our old worthy patriots who have for many years borne rule in the government with great applause cannot without concern and indignation think of their being turned out of the council and places of trust for no other reason but because they are members of the Church of England, and that shoemakers and other mechanics should be appointed in their room merely because they are Quaker preachers," etc.

C. R., I, 687

#### Two governments contending

But Glover was not content to be displaced in that manner, and still claimed the power and authority of the gov-



1708

ernor's office. And so there were two governments, each claiming to be regular and lawful, each with its adherents, who loudly proclaimed their opponents to be rebels and traitors.

Both call the  
Assembly  
October,  
1708

The whole colony became involved, and both sides being determined, the drift was to open rupture. Colonel Jennings, of Virginia, wrote to the Lords Proprietors on September 20th that the Quakers had the cunning to set all the country in a flame and all but themselves in arms against one another, and there had already been one man killed in the fray. There was no hope of peace save by submitting the matter to the legislature. Under these circumstances Colonel Pollock, on behalf of Glover, made an agreement with Cary to submit the claims of the two rival presidents to an assembly to be elected, and so Cary and Glover each issued separate writs for an election of an assembly to be held on October 3, 1708.

Pollock's  
Letter Book

Hawks, II,  
380

C. R., I,  
696-698

This election was quietly held in six precincts, but the result in Chowan was contested. The assembly consisted of twenty-six members, five from each of the four precincts of Albemarle and two from each of the three precincts in Bath County.

The Cary party carried Bath County and Perquimans and Pasquotank. In Chowan there was a contested election. Currituck alone stood faithful to the losing cause of President Glover.

Oct. 11, 1708

Eight days later the Assembly met. The outlook was gloomy indeed for Glover. Moseley and the other Cary contestants from Chowan were seated without delay, and Moseley himself was elected speaker of the Assembly.

#### Glover departs to Virginia

C. R., I, 698

The commission to settle the government brought over by Porter was read and the Assembly determined that by that instrument the Lords Proprietors had suspended the laws made both in Governor Daniel's time and in Governor Cary's





1708

Pollock's  
Letter Book

time relative to qualifying by taking oaths of office. Colonel Pollock insisted, however, that the former law was not so much as mentioned in the writing—but such was the decision of the Assembly. Glover protested that he would not be bound by the action of the body, although elected under his own writ, along with the writ of Cary. He insisted that they should be sworn—or, in other words, purged of the Quaker members—before he would abide by his agreement. His protest was treated with scant courtesy. He had appealed to the people. He had agreed to abide by the popular verdict; and now that the people had spoken, now that a large majority of the legislature was against him, he sought to reverse that judgment, and to that end invoked the same method of suppression that had been lately practised—at variance with the fundamental constitution of the colony as well as repugnant to the particular commission of the Lords Proprietors. But his efforts were without avail. Withdrawing from his agreement to submit his claims to the decision of the Assembly, he left the colony and took refuge in Virginia. In this voluntary exile Colonel Pollock accompanied him, and Gale, the presiding judge of the general court, went to England, and it was not until two years afterward, when Hyde entered upon the administration as president of the council, that they returned.

The Cary government was thus left in undisturbed possession. The council consisted of Cary, the president; Foster, Porter and the Quakers. One of the first measures of the new administration was to declare void all acts done by the Glover government during the preceding nine months, thus stigmatizing the retention of power by the old council through the exclusion of the new deputies as in the nature of rebellion.

The Cary  
Government

But although all the machinery of government was in Cary's hands, there remained a large faction disappointed, sullen and antagonistic—and it was this faction that contained the men who had been trained in the management of public concerns. Changes were made in the local officers.



1708

The old set gave place to the adherents of the new administration.

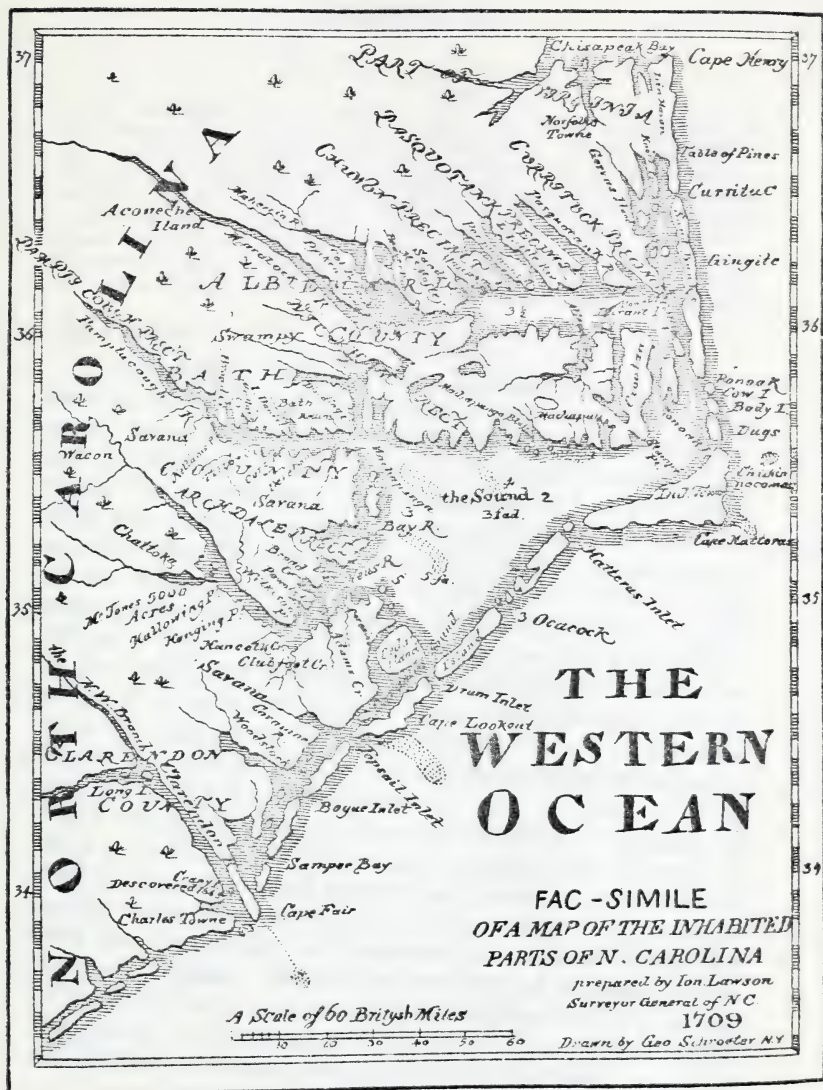
Emanuel Lowe, Archdale's Quaker son-in-law, was appointed to the land office, and other Quakers, Presbyterians and Independents were given public employment. The courts were open; suits were begun and prosecuted to judgment and execution; wills probated and administration granted. The public lands were opened to entry and patents granted, and all the branches of government appear to have been administered in due form; and particularly is it noteworthy that the vestry act was maintained in operation; and further that the Virginia government complained of the large emigration of Virginians into North Carolina.

C. R., I, 684

C. R., I, 690

In December, 1708, the Proprietors appointed Edward Tynte governor of Carolina, and expected him to appoint Edward Hyde deputy-governor of North Carolina; but until Hyde should arrive Cary was left unmolested in the administration of affairs. In March, 1709, the Proprietors appointed Lawson and Moseley, the speaker of Cary's house, to settle the disputed line between Virginia and North Carolina; and in September, 1709, they appointed Christopher Gale receiver-general in the colony and Lawson surveyor-general, both of these being then in London. The Proprietors signified no particular displeasure at the situation of affairs in North Carolina, but in after years the period of Cary's administration was known as "Cary's usurpation."





LAWSON'S MAP OF NORTH CAROLINA, 1709





## CHAPTER XIV

### THE CARY REBELLION

The Palatines.—Their sufferings at sea.—They march through the forest.—De Graffenried's Swiss.—New Bern founded.—Hyde arrives in Virginia.—Invited to Carolina.—Glover's influence.—The Quakers excluded.—His authority denied.—The new Assembly.—Hyde succeeds.—The Cary administration declared a usurpation.—Partisan legislation.—Hyde embodies men.—Cary prepared.—Roach aids Cary.—The people divide.—Governor Spotswood seeks to mediate.—His agent threatens Cary.—Cary prepares to engage, but fails.—Hyde's moderation.—Cary and Porter sent to England.

#### The Palatines

It was during the time while Lawson was in England and was preparing his History for publication that arrangements were made for the settlement of a considerable number of colonists on the Trent, in Archdale Precinct, near where the French had settled and where Lawson had a large tract of land. Great numbers of Protestants had been expelled from the Palatinate, a fertile and populous country on the Rhine, now embraced in Baden and Bavaria, and many thousands, utterly impoverished and destitute, sought refuge in England. Their support had become a heavy tax on the public, the English people being at that time themselves in great distress, and efforts were made to disperse them throughout the kingdom and the American colonies. Baron De Graffenried, a Swiss nobleman, being in negotiation with the Lords Proprietors for land in Carolina for a Swiss colony, was induced to take charge of a number of these poor Palatines. The queen assumed the expense of their transportation and made a donation of £4,000 for their benefit, while a committee of lords supervised the agreement with the Proprietors and inspected the vessels before the final embarkation. Six hundred and fifty of the most robust of the Palatines were selected by De Graffenried, who placed them under the direction of Christopher Gale, John Lawson and a third associate; and ample provision being made for

1710

German  
Protestants



1710

The  
Palatines  
sail

their sustenance, at length, in January, 1710, after religious services by their pastor and other demonstrations of interest, the two transports sailed from Gravesend, accompanied for protection by a squadron of naval vessels commanded by an admiral.

Hardly had the voyage begun, however, before storms arose and impeded the progress of the vessels, and the voyage was protracted to more than three months. Unhappy, indeed, was the fate of these poor exiles driven from their prosperous homes by cruel religious persecution. During their long voyage more than one-half succumbed to disease on shipboard, while the sufferings of the others impaired their strength and vitality. Finally, in April, they reached the Chesapeake, but as they were entering that friendly harbor a French vessel captured one of the transports and plundered it of everything valuable, depriving the miserable immigrants of even their clothing.

April, 1710

C. R., I, 718

After landing, their numbers were still further diminished by fever and disease before they were able to set out through the forests for their march to the Chowan. Eventually the remnant reached the plantation of Colonel Pollock, who provided for their necessities and transported them in boats to the Trent, where they finally arrived in horrible plight, finding no preparations made to receive them, although Lawson was engaged until August in locating them. Gale, the receiver-general, had been a member of the general court in North Carolina from 1703 until the overthrow of Glover's administration, when he went to England. He now returned with Lawson, and was, as chief justice, destined to play an important part in the affairs of the colony. He had brought instructions from the Proprietors to use such of the public revenues as could be spared for the support of the Palatines; but Cary having received the public funds, withheld them from Gale, and inadequate provision was made for the colonists, who found themselves driven to the necessity of selling even their clothes to the neighboring settlers for meat and bread.

Lawson  
locates the  
PalatinesThe Swiss  
June, 1710

Six months after the departure of the Palatines, De Grafenried, who had been created a landgrave by the Lords Proprietors, followed with his colony of Swiss. Their voyage



was more fortunate, and after a few weeks they landed in excellent spirits on the banks of the James and likewise came by land to Colonel Pollock's, reaching the Trent in September, where they found the unhappy Palatines in miserable plight.

1710

Being a landgrave, De Graffenried had official prominence in the province, and he used every effort to ameliorate the condition of his colonists, and addressed himself to the work of building a town, which he named New Bern. Many planters now occupied the lands on the Pamlico; the French colony had been increased by accessions from Virginia; lands along the shore, even between North River and Core River (near the present town of Beaufort), were taken up in 1709, and the settlements were extending southward along the coast. So it happened that the period of Cary's administration was marked by a considerable expansion and development of the province, but yet the administration was not efficient. The new men appointed to office were not trained in official duties, grave complaints were rife, and the government lost some of the prestige it had acquired on the withdrawal of Glover and his adherents to Virginia.

New Bern  
founded  
1710The Cary  
administra-  
tionRecords  
Carteret  
County

### Hyde arrives in Virginia

Such was the condition when Colonel Edward Hyde, who had been selected by the Proprietors as deputy-governor of North Carolina, reached Virginia, in August, 1710, where, however, he failed to receive his commission as he had expected, for Edward Tynte, the governor of Carolina, who was to have sent it to him from Charleston, died without doing so. Hyde's coming had been anxiously expected by the Glover faction, who hastened to make their court to him; but being without a commission, he prudently remained in Virginia and awaited developments. Being the first cousin of the queen, the "awful respect" due to his family drew public sentiment toward him; and there being no question that the Proprietors had designated him for appointment as deputy-governor, Cary was persuaded to join in an invitation that Hyde should come to Carolina and enter upon the administration as president of the council.

August, 1710

C. R., I,  
731, 733

In January, 1711, this invitation was accepted, and Hyde

Jan., 1711





1711

Hyde's  
administra-  
tionC. R., I,  
768, 781, 784Glover's  
influence

coming to Carolina, settled himself in Chowan, near Colonel Pollock's, who, as well as Glover, had returned about that time to his Carolina home. But although the new president came in by common consent, he was met at the outset with the same practical question that had so largely entered into the politics of the colony during the preceding decade. Should Quakers be admitted to office? Should they be allowed to enter into office without qualifying themselves by taking an oath? This question could not be avoided. It met the new administration face to face and demanded an unequivocal answer.

Hyde might perhaps have determined the matter in accordance with the practice of the preceding administration and agreeably to the fundamental constitution of the colony had it not been for the influence exerted by the adherents of Glover, who had suffered no little because of their fidelity to the cause they represented. They prided themselves that it was the cause of the legitimate, lawful and regular government no less than the cause of the Church and of true religion, and they sought, not without avail, to impress the new governor with the correctness of their views, and doubtless he espoused them the more readily since they were in conformity with the prevailing notions in England in regard to the Quakers.

Urmstone, who had succeeded Mr. Adams as the solitary clergyman in the colony, wrote that "after long debates Hyde persists in Mr. Glover's opinion of not suffering the Quakers, who had deputations, either forged or granted by those who were not Proprietors, to be of the council, or have anything to do in the administration," which meant that the Quakers were excluded from the council, as in Glover's time. And again Pollock wrote to the Lords Proprietors, in September, 1712, that "the Quakers are not permitted to sit in the Assembly."

Opposition  
arises

This decision on the part of Hyde opened afresh all the old sores, and threw into the opposition a strong party, who, having lately enjoyed the powers of government, were easily led to make another stand for the principles they had so ardently maintained. The leaders of that party coming to understand that Hyde's administration would be in the



nature of a return of the Glover faction, whose temper was very bitter and hostile, sought to weaken it by withdrawing their adherence and declaring that Hyde, having no commission, was not a legal governor.

1711

### The new Assembly

The Cary officers, it is said, falling in with these suggestions, retained their records, seals and other muniments of office and would not surrender them to Hyde's appointees. Such was the situation when, in March, 1711, the Assembly, called by Hyde, met at Colonel Pollock's residence in Chowan. Of that Assembly Urnstone writes: "With much difficulty we had the majority. . . . The Assembly was made up of a strange mixture of men of various opinions and inclinations: a few Churchmen, many Presbyterians, Independents, but most anythingarians—some out of principle, others out of hopes of power and authority in the government to the end that they might lord it over their neighbors, all conspired to act answerably to the desire of the president and council." The Quakers being excluded, the Assembly was sufficiently manageable.

March, 1711

C. R., I, 768

The rising sun was too strong for those who were deemed to be on the wane. Hyde triumphed over the opposition. The "awful respect" of his great name was heavy weight in his favor, and "the Presbyterians, Independents and anythingarians" of the Assembly were drawn to his side in hopes of favors to come, and also because three months before he had been brought in as governor by common consent; while Cary's administration had fallen into disrepute because of inefficiency, and he himself had either squandered or had not collected the quit rents due the Lords Proprietors. Whatever were the influences working the change, the Assembly was quite as severe against the Cary party as the former Assembly had, in October, 1708, been against its Glover opponents. It declared that Cary and Porter had failed to attend with Hyde as members of his council, that they had been guilty of sedition and had sought to overturn Hyde's government, and they impeached them for high crimes and misdemeanors and committed them to the custody of the provost marshal.

Hyde  
succeedsPartisan  
legislationCary and  
Porter  
impeached



1711

C. R., I, 785  
Proceedings  
in the courts  
annulled

It petitioned the Lords Proprietors to remove Cary, Porter and Moseley from any share in the government; and as Cary's government had declared void all proceedings had nine months before it came in, so this Assembly declared void all proceeding, save certain exceptions, that had been in Cary's courts, land offices, etc., during the space of two entire years.

C. R., I,  
785, 786

It further re-enacted the former law in regard to the qualification of all officers by oaths according to the strictness of the English laws, and enacted that all laws made for the establishment of the Church in England should be in force in the colony.

C. R., I, 780

And various sundry other enactments were made in the first flush of victory by those who had been under the ban for three years, of such a character as to draw even from Spotswood, "that they added some other clauses perhaps too severe to be justified, wherein it must be confessed they showed more their resentment of their ill-usage during Mr. Cary's usurpation (as they call it) than their prudence to reconcile the distractions of the country."

Cary's  
usurpation

C. R., I, 791

Particularly was an act passed directing Cary to account with Hyde for all funds that he had collected for the Lords Proprietors, and upon his failing to do so within two months, Hyde was authorized to issue execution against his property. Truly, Cary had fallen from his high estate, and the Glover party, animated by a fierce resentment of their injuries, were pursuing him with a strong hand. Having disrobed him of power, they sought to press him to the wall. But as Spotswood wrote, their measures were beyond their power to enforce them. By their want of moderation they threw the whole opposition into violent antagonism.

Hyde  
embodies  
men

Both Cary and Porter escaped from the custody of the provost marshal and regained their liberty, and two months having elapsed without the former having accounted for the money of the Lords Proprietors, Hyde embodied a force to go and take him. On Sunday, May 26th, Hyde, with some secrecy, collected about eighty men at his own house in Chowan, and on Monday crossed the sound and went twelve miles up the river, where his force was increased to one hundred and fifty men. Hastening through the wilder-

May, 1711





ness, on the 28th they reached Cary's house at Pamlico, but he having received notice of their approach, made his escape to Governor Daniel's house, a few miles farther down the river.

1711  
Dennis's  
Narrative,  
C. R., I, 803

The next day Hyde pursued, but found that his delay had been disastrous. Cary had called around him some forty followers and had so fortified himself that it was hazardous to attack him.

On June 1st the forces of the disappointed governor withdrew, having only their trouble for their pains, and having by an accident lost one of their own men, a kinsman of the governor, who unfortunately was killed during the expedition. So ended Hyde's fiasco, and well indeed had it terminated there! Whatever else may have been the disposition of Cary, he was not a man to shun danger, no matter in what form it came. He was as resolute as he was violent, and as audacious as implacable.

He at once infused into the people of Pamlico that the Assembly was not called by proper authority, that it was not duly elected, that Hyde was not governor, having no commission sent him, and therefore that he could not comply with this demand to account with Hyde for money belonging to the Lords Proprietors. Nor did his efforts end in words. He erected his standard and gathered his forces.

And just then Captain Roach, an agent of Dawson, one of the Lords Proprietors, brought his vessel into Pamlico, there being among his cargo several cannon and a quantity of small arms and ammunition. Roach vigorously espoused the side of Cary, and strengthened his cause as well by declaring that the Proprietors did not intend that Hyde should be governor, as by furnishing the munitions and sinews of war. A brigantine belonging to Emanuel Lowe was armed with cannon and a barco-longo was also equipped for active service.

Roach aids  
Cary  
C. R., I, 804

All was activity among the Presbyterians and Independents of Bath. And so with Hyde and his supporters in Chowan.

Pasquotank and Perquimans and Currituck seem not to have been involved, the Quakers remaining quiet and the



1711

other citizens of those counties responding but slowly to the call of the governor for active support. Indeed so slowly did they respond that Hyde early realized the superior strength of his adversary, and at once applied for aid to the governor of Virginia.

Spotswood  
seeks to  
mediate  
June, 1711

On June 13th Spotswood, in response to the demand, determined to send a mediator to seek a suspension of military operations until the differences of the contestants could be laid before the Lords Proprietors. To that end, on June 20th he wrote letters to each, Hyde and Cary, which he sent by Mr. Clayton, saying to Cary that he had ever advised Hyde to moderation and to endeavor to reconcile and unite both parties, and that it was on this basis that he now proposed mediation.

C. R., I, 760

On June 25th Clayton reached Pollock's residence, which was situated somewhat west of the site of Edenton, and on the next day delivered the letter to Cary, whose well-manned brigantine and barco-longo were then sailing off some twelve miles from Pollock's in the sound.

C. R., I, 795

Cary agreed to the proposition to meet Hyde the next day at an appointed place, and that in the meantime the forces should remain where they were. But Hyde, upon consideration, found the appointed place too inconvenient, and suggested two other points for a conference to be held on the 28th. But this proposition, says Hyde himself, did not reach Cary in time, because of bad weather, and negotiations thereupon were broken off.

Cary  
threatens  
Hyde with  
Parke's fate

Clayton again visited Cary and delivered a second letter from Spotswood, withheld at first, threatening Cary with his own armed interference if he should not come to terms. Cary now declared he would make no terms, but that he would seize Hyde and his council, and that Hyde might expect the same fate that Colonel Parke had at Antigua.

This threat produced a great commotion among the friends of Governor Hyde, for two years before Colonel Parke, the governor of the island of Antigua, one of the British Isles in the Caribbean Sea, had after three years of tyranny and despotic oppression been seized by the outraged people, and had been torn limb from limb; a tragic fate, well known in Virginia, where one of Governor Parke's daugh-



ters had married Colonel Custis, and was thus allied to some of the first people in that colony.

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But Cary's threats were impotent. His men were not equal to the occasion. On the morning of June 30th, he determined to make the attempt to seize Hyde, and approaching Pollock's house that lay near the water, he fired two cannon from his brig and, throwing a force into two boats, made a dash for the land.

C. R., I,  
762, 795

June 30

But Hyde was prepared, and returning shot for shot, struck the mast of the brig, and deployed his men along the shore ready for the assault. Such an unexpected show of force struck terror into the hearts of Cary's men, who quickly returned to their vessel and sought to draw off.\* Hyde in turn manned some boats and gave pursuit. And now Cary's force thought only of escape. The brig was hastily run ashore, and the men fled into the woods. When Hyde's boats approached, the brig, armed with six cannon, fell into their hands, along with her owner, Emanuel Lowe, and three sailors, who composed her crew.

De Graffen-  
ried's Narrative, C. R.,  
I, 918

Being favored by this good fortune, Hyde issued a proclamation pardoning all who had been led into acts of violence, except the chief movers, which, together with the loss of prestige incident to the miscarriage of the attempt to seize Hyde, tended to draw the people away from Cary, whose forces rapidly dispersed. Roach, however, fortified himself at Pamlico, and it was said that John Porter went among the Indians and endeavored to persuade them to fall upon the people on the western shores of Chowan, the inhabitants there having espoused the cause of Hyde. The Indians, however, declined the invitation, if any were indeed made to them. In the meantime, Hyde, flushed with his success in capturing the armed brigantine, hastily threw on board of the vessel a force of his own and sailed off to Pamlico to make an end of the matter by capturing Cary at Roach's house, the place where he had fortified; but again did the governor find discretion the better part of valor. Cary was too strongly en-

Hyde's  
moderation

C. R., I, 795

\*This sudden flight was probably due to the appearance among Hyde's followers of Baron De Graffenried's servant, in his yellow coat, which led to the impression that some of the queen's troops were present, it being treason to make war on them.





1711

trenched; no attack was made, and the expedition returned without result. But Spotswood having on the application of Hyde sent some marines to his assistance, the appearance of these on Pamlico, about July 10th, being troops of the queen, accomplished the final dispersion of the Cary forces.

Cary and  
Porter sent  
to England  
July 31

Colonel Cary and several of his most active supporters hastily proceeded to Virginia to take shipping for England, but were there seized by Spotswood, and, on July 31st, were sent to England on board a man-of-war under charges of rebellion and sedition. They arrived in London on September 25th, but there being no evidence produced against them, they were discharged.

Porter's will  
Off. Sec.  
State

On November 20th, within a month after his arrival, we find Cary before the Lords Proprietors obtaining copies of the charges made against him by Hyde. A year later he had returned to Carolina, Hyde having been instructed by the Lords Proprietors not to proceed to the punishment of any of the parties engaged against him. John Porter remained in England and died at Bridgewater during the spring or summer of 1713.

C. R., I, 750

On the death of Governor Tynte, the Lords Proprietors appointed Hyde governor of North Carolina in his own right, and a recent act of Parliament requiring the approval of the Crown, the royal assent was given, and on May 9, 1712, he received his appointment, bearing date January 24th. Taking the oaths, he became Governor of North Carolina, being the first appointed by the Lords Proprietors since Ludwell's time, and this appointment was the beginning of the entire separation of the government of North Carolina from that of the southern colony.

Final  
separation  
of North  
and South  
Carolina



## CHAPTER XV

### THE TUSCARORA WAR

The Indians disquieted.—Lawson's activities.—Lawson executed.—The cause of the Indian war.—The massacre.—Preparations for defence.—Active war.—Gale's mission successful.—Barnwell acts vigorously.—War measures.—Barnwell makes a truce.—Barnwell's Indians return to South Carolina.—Hostilities renewed.—The death of Hyde.—Pollock's truce with King Blount.—James Moore arrives.—He takes Fort Nohoroco.—Many Tuscaroras depart for New York.—Major Maurice Moore arrives.—Effects on the settlers.—Harmony in the colony.—Governor Eden.—South Carolina imperilled.—Aid sent.—The Cores renew hostilities.

#### The Indians disquieted

In the dissensions of the colony, the Pamlico section adhered to Cary, and the Indians of that region were led by the execrations of the neighboring whites to regard the new governor as a person to be detested by them, while the rapid extension of the settlements to the southward and along the waters of the Pamlico and Neuse raised apprehensions lest they should be forced back and utterly expelled from their old hunting grounds. At this time the tribes at the north had dwindled into insignificance; they were the Meherrins, the Nottoways, and the Chowans on Bennett's Creek and the Pasquotank, some of whom had already fallen into the habits of the whites, wore clothes and had cattle, making butter for sale. On the western frontier, beginning in Virginia and extending nearly to the Neuse, were the Tuscaroras, a warlike tribe of northern origin. They occupied fifteen towns and numbered altogether 1200 fighting men. Adjoining them were the Woccoons, about one-tenth their number; and a few miles distant were the Pamlicos, once an important tribe, who had, however, been swept away by a fearful epidemic some fifteen years before, and now could boast only fifty braves. The Neuse and the Chantauquas, who occupied the region allotted to De Graffenried's colony,

1711

Sept., 1711



1711

were likewise weak; but the tribes farther to the eastward, on Bear River and Core Sound, were more populous. Near Bath was a small tribe of Pungos, and on the sounds to the south were found the Coranines; while at Hatteras lived the remnant of a tribe now reduced to sixteen braves, who claimed that some of their ancestors were white, and valued themselves extremely on their kinship to the English, and were very friendly. In confirmation of this claim, in effect that they were descended from Raleigh's Lost Colony, Lawson declares that some of them had grey eyes, a circumstance not observed among any other Indians.

Byrd's Div.  
Line, 89

In the distant interior, on the Eno, had been the Occaneechees, and nearby the Schoccories and the Keiauwées, and farther south the Saponas and the Toteros; but these a few years earlier had consolidated and had removed from Carolina into Virginia, settling at Christianna, ten miles north of the Roanoke. After remaining there some twenty-five years, however, they returned to Carolina and dwelt with the Catawbás. In all, there were some 1500 braves bordering on the south and west of the settlements; but the Indians to the northward, nearer the Virginia line, did not sympathize in the apprehensions felt by the lower towns concerning the encroachments made on the Pamlico and Neuse and were not inclined to be inimical to the whites.

Lawson's  
work

Lawson had projected an interior road from the southern settlement to Virginia, and with a view to locating it he had made a progress through the region inhabited by the Indians; he had also as surveyor been conspicuous in establishing the Palatines and the Swiss, and in laying off plantations, and indeed himself had a large grant located on the Neuse; and thus he became an object of particular resentment among the discontented Indians.

Sept. 8, 1711

Such was the feeling early in September, some two months after the dispersion of Cary's forces and the flight of his principal adherents from the colony, when Lawson and Christopher Gale and Baron De Graffenried arranged for an expedition up the Neuse and to make a progress through the Indian towns with a view of locating the proposed road. Gale was fortunately detained, but the baron and Lawson, accompanied by two negroes, on September 8th, set out from





New Bern by boat on the exploration, taking fifteen days' provision with them. On the evening of the second day, the Indians, discovering them, became alarmed, and mistaking the baron for Governor Hyde, seized them and hurried them in great haste to their king's town, on Cotehney, where a council of Indian chiefs was speedily assembled, by whom both the baron and Lawson were condemned to instant death.

1711  
Hawks, II.  
259.  
De Graffen-  
ried's Narra-  
tive, C. R., I,  
225.  
Sept., 1711

De Graffenried, however, with great address, saved himself by asserting that he was not an Englishman, but a king and a friend of the queen of England, who would certainly punish them for any violence done to him. Reprieving him, on Lawson they reaped their vengeance by a summary execution; an unhappy fate, in strange contrast with the humane and friendly sentiments he had expressed in his History in regard to the proper treatment and the welfare and happiness of these original inhabitants of the Carolina territory. The day following the trial and execution of Lawson, the Indian chieftains informed De Graffenried that they had determined to make war on the English, and that the particular objects of their enmity were the people on the Neuse, Pamlico and Trent rivers and on Core Sound, for settlers had established themselves even in that locality.

Lawson  
executed

Governor Pollock, writing to Governor Spotswood some nine months after the outbreak, gives this account of the origin of the war: "Our own divisions, chiefly occasioned by the Quakers and some few other evil-disposed persons, hath been the cause of all our trouble. For the Indians being informed by some of the traders that the people that lived here were only a few vagabond persons that had run away out of other governments and had settled here of their own head, without any authority, so if they were cut off there would be none to help them; this, with the seeing our own differences rise to such a height that we, consisting of only two counties, were in arms against each other, encouraged them to fall on the county of Bath, not expecting that they would have any assistance from this county or any other English plantation. This is the chief cause that moved the Indians to rise against us so far as I can understand."

The cause  
of the  
Indian war

Hawks, II,  
434

This internecine strife and bitterness doubtless led the



1711

Cary's  
adherents  
the  
sufferers

Indians to consider that a favorable time and opportunity; but the cause, the reason of their enmity, was quite another thing. If some of Hyde's adherents are to be believed, they had during the Cary troubles declined to attack the whites, although invited to do so; and it was only after quiet had been restored and Cary and Porter had been absent two months that hostilities began. In July some of Hyde's adherents alleged that at the time of the dispersal of Cary's forces, John Porter had gone among the Tuscaroras and sought to incite them to cut off the inhabitants on the Chowan who were adherents of Hyde, but they had refused to be drawn into such an enterprise. In the massacre now resolved on, the upper towns of the Tuscaroras again declined to participate; but the Cotechneys, the Woccoons, the Pamlicos, the Cores and the Neuse Indians were the chief promoters of the murderous work, and the victims were the settlers who had located on the frontier and who had been Cary's supporters. The outbreak was evidently an effort of the southern tribes to preserve their hunting grounds, which the settlers were now fast occupying.

The  
massacre

Sept. 22, 1711

De Graffen-  
ried's Narra-  
tive, C. R., I,  
933

Five hundred warriors, consisting of Indians from every tribe on the southern frontier, having congregated at Hancock's town on the Cotechney, formed into small bands and dispersed themselves as if in a friendly way throughout the new settlements. On the morning of September 22d, about sunrise, they fell upon the unsuspecting planters in their isolated homes and began a fearful massacre. In two hours one hundred and thirty persons fell beneath their bloody blows. On some plantations all, men, women and children alike, were ruthlessly and barbarously murdered; at others, the men only were slain, and the women and children were spared to be held, however, as slaves. In savage wrath, they slew and burned and pillaged, and the entire region south of the Albemarle was a horrid scene of brutal murder and desolation. The French settlers on the Pamlico suffered heavily, eighty of De Graffenried's colonists fell victims, and the outlying districts were depopulated.

In those hours of fearful calamity, those who fortunately escaped the first fury of the savages fled in dismay to convenient points of refuge. They collected at Bath and at ten





other places, where they hurriedly fortified themselves against attack.

1711

Many incidents of the butchery were heart-rending, and some of the escapes heroic. At the house of John Porter, Jr., his wife, Sarah Lillington, seeing an Indian in the act of dashing her infant's brains out against a tree, rushed upon him and rescued her child from his clutches. Captain Maule being present, he and Colonel Porter seized their guns and covering the flight of the females, successfully beat off the savages until they had reached the landing, where taking a boat they pushed out into the broad river and escaped, beholding in the distance their home enveloped in flames.

For two days the murderous bands glutted themselves with blood and revelled in spoil, but on the third day, the plantations being deserted, laden with booty and carrying eighty women and children preserved as captives, they returned to their fort on the Cotechney. The dead lay unburied in that hot September sun, food for the vultures, the dogs and wolves. Many bodies were shockingly mutilated, and others fancifully arranged by the savages in their wild and merry glee. Mr. Nevill, an old gentleman, was laid on his floor with a clean pillow beneath his head, which was ornamented with his wife's head-dress, and his body decently covered with new linen; while Mrs. Nevill was set upon her knees in the chimney corner, her hands lifted up as if in prayer; and a son was laid out in the yard with a pillow under his head and a bunch of rosemary at his nose.

C. R., I, 826

Fugitives from their homes, with their butchered friends unburied, the air polluted from their decomposing remains, the survivors of Bath County kept watch and ward at the asylums they had gained, in momentary dread of the reappearance of the foe, while the other settlements were paralyzed with fear lest the whole colony should be destroyed.

Although a blow so sudden and unexpected, so terrible and shocking, at first staggered even the most resolute, Governor Hyde and the leaders in Albemarle speedily took such measures of safety as were open to them. Since the Quakers would not bear arms, but little aid could be expected from them, while the inhabitants west of the Chowan being themselves apprehensive of attack, assembled in strongholds for

Effects  
of the  
massacre





1711

their own protection. But factions were hushed and former opponents vied with each other in patriotic efforts for the common weal. Information was hurriedly despatched to Governor Spotswood, who caused some of the Virginia militia to collect near the Tuscarora towns bordering on the Virginia line, and sought to enlist the upper Tuscaroras in the suppression of the hostile Indians. As an inducement to engage their assistance, he offered six blankets for the head of every enemy they would bring him and "the usual price for the women and children as slaves." These towns, however, asked for a month to consider the proposal, and then determined to remain neutral; but fearful of their defection, the hostile tribes sent their women and children toward the Cape Fear, leaving only the warriors in their own territory; and then they again began to roam throughout the Pamlico region, and collisions between their bands and the inhabitants were of frequent occurrence.

Active war  
C. R., I, 828

Indeed, with the opening of October, companies having been organized and equipped, active warfare was inaugurated; and scouting parties sent out from the forts were ambushed and often sustained heavy losses. A company of fifty men approached one of the Indian strongholds and was repulsed by three hundred braves. Early in that month Captain Brice, who commanded at Bath, sent off some fifty men for special service, and the Indians fell upon them in the woods, and for three days a desultory battle was maintained, the whites eventually being driven in with considerable loss.

C. R., I, 826

Taking advantage of the absence of this detachment, the garrison then being reduced to only a hundred men, another force of Indians attacked it, while a number of Indian prisoners within the fort rose and took the whites in the rear. The males of the latter, however, were quickly despatched and the women and children secured, and then the assault was successfully repulsed. Of the captives within the fort, thirty-nine women and children were then sent abroad and sold as slaves.

Gale's  
mission  
successful  
C. R., I, 828

Christopher Gale, the receiver-general, having been sent to Charleston by sea to solicit aid, the South Carolina Assembly promptly responded with assistance. Colonel Hugh Grange, with others, was elected to secure the neces-



sary supplies, and Colonel John Barnwell was appointed to the command. Gale hastened back on his return voyage from Charleston, bringing a considerable supply of ammunition, but he was taken prisoner by the French and was detained for several months. In the interval during his absence, the North Carolina government receiving no information from him relative to the result of his mission, again sent a despatch boat to Charleston asking aid, and Barnwell's force, largely drawn from friendly Indians, was hurried forward.

North Carolina was the dividing ground between the northern and southern Indians, and there was no affinity between the Indians of South Carolina, who had originally come from beyond the Mississippi River, and those of eastern North Carolina, who had at some previous time migrated from the northward: and the southern Indians were not averse to availing themselves of this opportunity of attacking the Tuscaroras and the neighboring tribes, expecting to make profit from the sale of their prisoners as slaves.

Barnwell, his troops consisting of fifty whites and some Cherokees and Creeks, passed along the Santee to the Congarees, then up the Wateree River to the vicinity of the Catawbias, near where Charlotte is, embodying detachments of all these tribes in his force. He then came east to the Yadkin and crossed the Cape Fear below the junction of the Haw and Deep and then pursued a northeast course, striking the Cotehney at an Indian town called Torhunte, eventually arriving on the lower Neuse on January 28th.\* He seemed to have followed a trading path used by the Indians and traders leading from Torhunte to the Catawbias, a shorter course than that generally taken by the Virginia traders, who, crossing the Roanoke higher up, came by a route near Oxford and Hillsboro to the trading ford near Salisbury and then down to the Catawbias. But his progress through the wilderness was difficult and attended with much delay and suffering for the want of provisions.

McCrady's  
South  
Carolina, I,  
499  
1712

\*He had 218 Cherokees under Captains Harford and Turstons, 79 Creeks under Captain Hastings, 41 Catawbias under Cautey, and 28 Yamassees under Captain Pierce.



**Barnwell acts vigorously**

1712

C. R., I, 839

Hawks, II,  
537Fort  
CotechneyWar  
measuresC. R., I,  
837-839

April, 1712

Assembly  
dissolved,  
May 10, 1712

On reaching New Bern. Barnwell acted with great vigor, and immediately fell upon the hostiles some twenty miles above New Bern, killing three hundred and taking more than a hundred prisoners. But as soon as this victory was won, half of his force, satisfied with their booty, deserted him and returned to South Carolina, carrying their prisoners, who were shipped to the West Indies to be sold into slavery. Notwithstanding his force was now much reduced, Barnwell pursued the enemy until they retired into a stronghold which they had fortified on a high and inaccessible bluff overlooking the river, which could not be attacked with advantage. Withdrawing from that section, he led his Indians some thirty miles to the east of New Bern, where he encountered the Cores and drove them from their towns, and pursued them with such fury that a great many were slain. On his return he was reinforced by two hundred and fifty whites, under Captains Brice, Boyd, and Mitchell, and together they assaulted Fort Cotechney, or Hancock's Fort, near the site of Snow Hill, but were driven off. Nevertheless, the people felt so relieved by his presence, and were so elated from their former despondency by the result of his movements, that when the Assembly met it adopted an address to the Lords Proprietors in high praise of him.

To carry on the war heavy duties had been laid on both exportations and importations, and now the legislature authorized the issue of £4,000 of paper currency, the first of such currency issued by the colony; and urgent application was made to Virginia for two hundred white soldiers from that province. Governor Spotswood undertook to raise such a force, but ascertaining that the North Carolina authorities had made no provision either for their pay or their maintenance, and meeting with obstacles because of opposition in the Virginia Assembly, he found it impracticable to proceed. Under the circumstances, as the expenditure would be for the Lords Proprietors, he suggested that the territory north of the Albemarle should be mortgaged to secure the repayment of the money that would have to be advanced for the purpose, but since the Assembly had no





authority to enter into such an agreement, those terms could not be accepted by it, and the desired assistance was not furnished by Virginia.

1712

In April, Barnwell proposed to make another attack on Fort Cotehney, and at the suggestion of De Graffenried, who, having been released, was now again in the settlement, some cannon were carried through the forest, borne on long shafts with a horse in front and one behind, and these were well placed to bombard the stronghold. When all was in readiness for the assault the cannon were discharged and hand grenades were thrown into the fort; and these unaccustomed instruments of warfare so terrified the Indians that they begged for a truce. A council of war was held by Barnwell and his officers, and since it was feared that the large number of women and children held prisoners by the Indians would be massacred in the *mêlée* if the fort were carried by assault, a truce was granted upon the condition that all the white prisoners should be immediately released, and with the expectation that it would eventually be followed by a lasting peace.

Barnwell  
makes a  
truce

This failure to press the Indians to an extremity at that favorable time created dissatisfaction on the part of the governor and his council with Barnwell, who nevertheless justified it by in turn complaining that his troops were not furnished with provision and that a cessation of the siege was desirable on that account.

Hyde  
dissatisfied  
with  
Barnwell

Deplorable indeed was the condition of the unfortunate captives now restored to freedom, being bereft of husbands and fathers and their homes destroyed by the barbarous savages; widows and orphans, they were helpless dependents upon the charity of people whose own necessities were great, but for the moment they were transported with joy at their happy deliverance from impending death, and with grateful hearts blessed those who had rescued them from a fearful fate.

Barnwell's Indians were disappointed at the truce and cessation of operations, as they had hoped to take more prisoners and to profit by their sale; but he withdrew to New Bern, where provisions could be had; and after a few weeks, under the pretence of a good peace, he lured the eastern Indians

Barnwell's  
Indians  
return to  
South  
Carolina



1712

to the vicinity of Core village, where his savages fell upon them unawares and took prisoners many women and children.

Barnwell  
leaves  
North  
Carolina  
C. R., I, 304

The South Carolina Indians now hurried home with their captives, leaving Barnwell and the companies raised in Albemarle to carry on the hostilities which this breach of faith naturally engendered. On July 5th Barnwell himself was wounded, and taking shipping, he returned to Charleston, promising, however, to use his best endeavors to have other assistance sent.

### Hostilities renewed

Summer of  
1712

As long as Barnwell's force was on the Pamlico the enemy had been held in check, but now that the country was clear, furious at the treacherous breach of the truce, the hostile Indians became very active, and again was the region south of the Albemarle a scene of bitter warfare. The farms were deserted, the crops abandoned, and the inhabitants again assembled in their garrisons for mutual protection; while around those places of refuge hostile bands incessantly prowled, scalping all who fell into their hands. A small number of Yamassees, however, had remained, and under Captain Mackay did good service near Bath; but the savages roamed at will throughout the country at large, devastating the plantations and confining the people to their forts; and so another summer was passed with no crops made and the Pamlico and new settlements in a state of siege.

A call to  
arms *en*  
*masse*  
C. R., I, 877

Forts  
erected

Fully aroused to the necessity of decisive action, the Assembly now made a draft of the entire fighting population to subdue the enemy, and all who would not enroll themselves as soldiers were to forfeit £5 for the maintenance of the struggle. In addition to the garrisoned plantations, two considerable forts were now erected, one at Core Point, on the sound, in the vicinity of the Core Indians, and one at Reading's plantation, on the Tar River, in the section open to the Cotechneys. But although the emergency was so great, many were discontented at the strenuous measures of the administration, and some of the inhabitants left their homes and fled to Virginia.



In the midst of these difficulties the yellow fever broke out in the colony, and Colonel Hyde, who had received his commission as governor only that May, was taken with a violent fever and died on September 8th, after a week's illness. Fortunately, Colonel Pollock was ready to continue the administration as president of the council, for he had large experience and great ability, and could command the confidence not only of the inhabitants, but of the authorities in Virginia and of South Carolina. A packet ship had been employed to ply between the province and Charleston, and Governor Craven had already agreed to send an additional force of friendly Indians, the charges to be paid in North Carolina bills, and President Pollock sought to infuse into the people confidence and hope, although at the moment affairs seemed desperate. Captain Byrd, who had been sent on an expedition, fell into an ambuscade, and he himself was killed and many of his men slain; and in September Colonel Mitchell and Colonel Mackay, who had with them one hundred and forty men, were defeated and compelled to abandon the enterprise they had undertaken.

1712  
The death of  
Hyde, Sept 8  
C. R., I, 869

Pollock  
succeeds

Losses

There was unexpected delay in starting the expedition from South Carolina, but Governor Craven hurried on some barrels of powder and shot and twenty guns, which were supplied to the forces then at Coretown Fort, who were awaiting the arrival of reinforcements before again proceeding to assault Fort Cotechney. In the meanwhile the Indians had attacked Fort Reading, on the Tar, and also had made an assault on the garrison at Colonel Jones's plantation, near the mouth of the Pamlico, but were successfully repulsed in both instances.

Sept., 1712

C. R., I, 882

#### Pollock's truce with King Blount

But while preparing for a protracted struggle, Colonel Pollock had wisely renewed negotiations with Tom Blount, the king of the Upper Tuscaroras, and toward the end of September succeeded in arranging with him to seize Hancock, the chief of the Cotechney Indians, and bring him in alive with a view to making peace. Indeed, the hostiles themselves were in distress for the want of food; and at length, through King Blount, a truce was agreed on to last

C. R., I,  
880, 883





1712

until January 1st, and in the interval the Tuscaroras were to cut off all those who had participated in the massacre and were to surrender a number of the chief men from each of the six Indian forts as hostages for the good behavior of the hostile tribes.

James  
Moore  
arrives  
Dec. 1, 1712

Before the truce had expired, the new army from South Carolina, consisting of thirty-three whites and a thousand friendly Indians under Colonel James Moore arrived on the Neuse, and moved to the Chowan for convenience in obtaining needed provisions until it was seen whether the Indians would surrender the hostages as agreed on. This they failed to do, and preparations were made to strike a blow that would break their power.

C. R., I, 892

1713

Indian forts

The facilities for reaching the Pamlico and Neuse and even Core Fort by water transportation had been of great advantage during the war, and now the necessary supplies were sent forward by boat, and on January 17th Colonel Moore marched from Chowan, but a heavy snow falling, he was obliged to remain inactive at Fort Reading on the Tar until February. In the meantime, the Indians had fortified themselves in two strongholds, one, Cohunche, which was Hancock's fort on the Cotechney, and the other called Fort Nohoroco.

He takes  
Fort  
Nohoroco

March 23,  
1713

At length, all being in readiness and his army being reinforced by a considerable number of whites raised in the colony, among them a company under Captain Maule, on March 20th Colonel Moore invested Fort Nohoroco, and after three days' hot fighting took it. His loss was 46 whites and 91 friendly Indians, while he took 392 prisoners and 192 "scalps," and reported 200 others killed and burned within the fort and 166 killed and taken outside of the fort in a scout. In all, the Indian loss was about 800. This was perhaps the severest battle ever fought with the Indians up to that time. It broke the power of the Tuscaroras, and although there were emissaries from the New York Indians, urging them to persist in hostilities, they now made peace, surrendering all of their prisoners and delivering up twenty of their chief men to Colonel Moore.

C. R., II,  
19, 27-29

Indian  
power  
broken

The  
Tuscaroras  
move north

Soon afterward, the greater part of this powerful tribe, including those in Fort Cohunche, retired up the Roanoke



and removed to New York and became the sixth nation there. Hardly had the fort been taken, before many of the South Carolina Indians hurried home to sell their prisoners; so that Colonel Moore was left with only one hundred and eighty of those who came with him. These scouted the woods, seeking other prisoners until June, when Colonel Moore collected them and marched against the Mattamuskeets, who had fallen on the inhabitants of Croatan and of Roanoke Island, and on the planters of Alligator River and had butchered forty-five of them. On the approach of Colonel Moore, these savages quickly dispersed in the swamps of Hyde, but Moore pursued them with vigor and broke them up.

1713

C. R., II, 30

C. R., II,  
39, 45

In the meantime another detachment of friendly Indians, under Major Maurice Moore, hoping to take more prisoners, had started from South Carolina; but Colonel Pollock stopped them and sent them back; and in September Colonel Moore himself returned home, having won high praise for his bravery and wisdom, and leaving many grateful hearts among those he had rescued from captivity and saved from death. His brother Maurice, however, remained, and having married Mrs. Swann, the widow of Colonel Swann, became the brother-in-law of Edward Moseley, and being allied with the strongest family connection in the province, for a generation exerted a large influence in its affairs.

Maurice  
Moore  
arrives

During these perilous times many of the Huguenots who had established themselves on the exposed frontier accompanied their pastor, Philippe de Richebourg, and joined their brethren on the Santee; while De Graffenried, who after a six weeks' detention with the Indians had been released through the efforts of Governor Spotswood, but who had for himself and his colonists made a treaty of neutrality with the hostile Indians, now sought to protect his colonists, and later intended to remove them to the Potomac; but a series of misfortunes interfered, and after mortgaging the land he had obtained from the Lords Proprietors to Colonel Pollock to secure the advances made for his people, in the spring of 1713 he sailed from New York for England. His Swiss and Palatines remained, and, indeed, the pacification of

De Graffen-  
ried returns  
to England



1713

MSS.  
Records  
Carteret  
County

the hostile Indians was followed by a quick expansion of the settlements to the southward. On Core Sound and North River lands patented "during Cary's usurpation" were now occupied; and in October, 1713, the town of Beaufort was laid off into lots, which were sold to purchasers. The following February tracts of land were taken up on Bogue Sound. To the northward, in November, 1713, a grant was issued to John Porter for 7000 acres between Drum Inlet and Topsail Inlet, including Point Lookout. It was recited that this land had been surveyed before the instructions prohibiting such grants.

Harmony  
in the  
colony  
C. R., II,  
145  
De Graffen-  
ried's Narra-  
tive

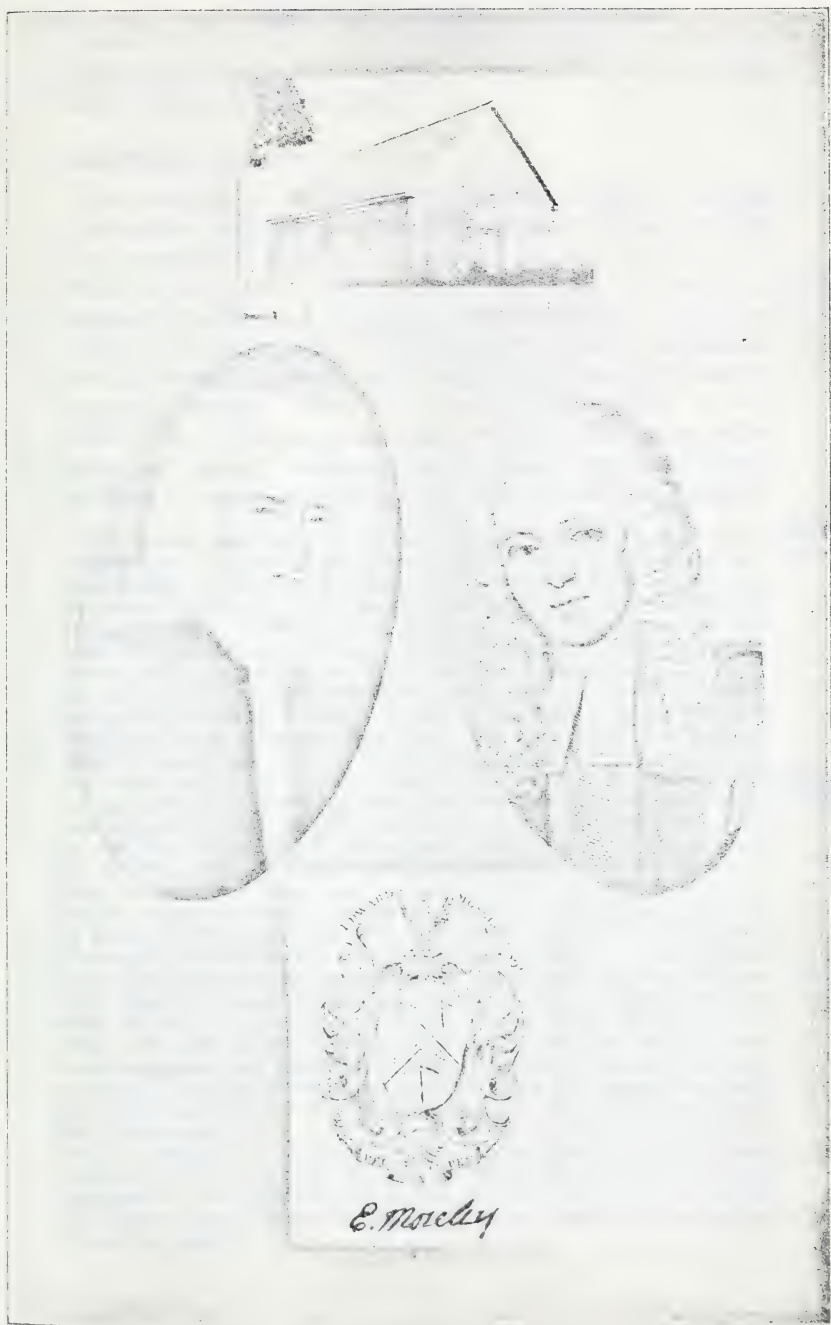
All the inhabitants being concerned in the common defence a spirit of harmony and co-operation was fostered, and Colonel Pollock bore testimony that the Quakers had contributed more aid than he had expected from them; but he never became reconciled to Moseley, attributing to his influence the previous internecine trouble of the colony, and ascribing to him a purpose to cause Barnwell to be appointed governor in place of Hyde, and alleging that Barnwell's truce with the Indians was a movement to that end. This appears, however, to be only another illustration of the distorted views which personal antagonisms and animosities were responsible for in that period of our history; and indeed Governor Spotswood took occasion to recommend to Pollock that he should abate somewhat his enmity to Moseley.

March, 1713

After Colonel Hyde was established in the government, the proceedings of the Cary courts were declared void, and doubtless the justices were superseded by other appointments. William Glover, who would naturally have been designated as the presiding justice, was dead in October, 1711, and the court was then presided over by Nathaniel Chevin, one of the oldest of the councillors. On the return of Christopher Gale to the province after his capture by the French on his way from his mission to South Carolina for aid, he was appointed colonel of the militia of Bath County, and in July, 1712, he began to execute the office of chief justice, and in March, 1713, used that title. In January, 1716, he received his commission as chief justice from







1. ST. THOMAS'S CHURCH, BATH
2. PHILIP LUDWELL
3. CHRISTOPHER GALE
4. BOOK-PLATE AND AUTOGRAPH OF EDWARD MOSELEY



the Lords Proprietors. As far as appears, he was the first chief justice of the province.\*

1714

### Charles Eden governor

On learning of the death of Governor Hyde, the Lords Proprietors appointed Charles Eden to succeed him, and the new governor arrived in the colony and took the oath of office in May, 1714. Although all was quiet at that time, shortly thereafter about thirty braves of the Cores and other neighboring tribes, who had suffered so heavily during the war, in revenge for their losses, began a systematic course of irregular warfare. One day they would massacre in one vicinity, and a few days later they would appear many miles away and cut off unsuspecting families. And soon their numbers increased until they were estimated at two hundred

Cores on the war path

\*Dr. Hawks mentions that Edward Moseley was chief justice from 1707 to 1711. The writer has been unable to find that there was any chief justice in the province before 1713. Major Sam Swann was the senior justice of the general court, after the governor ceased presiding over the court, from 1697 until his retirement in 1703. Then William Glover, who was next in commission, was the senior justice until 1706, when, on the departure of Governor Cary from the colony, Glover became president of the Council, and Christopher Gale, who had been a justice of the court from 1703, became the presiding justice. He presided during the year 1707, and perhaps until the overthrow of the Glover government in the summer of 1708, when with Pollock and Glover he probably left the colony. On the accession to power of the Cary faction, in 1708, all court proceedings for nine months were annulled and declared void; and on the incoming of Hyde, three years later, the court proceedings for the two years of Cary's administration were likewise annulled. Moseley may have been chief justice during Cary's administration, but the writer has found nothing to indicate it. He was not licensed to practise until 1714. In 1711 the court was held by Nathaniel Chevin, Francis de la Mere, and Jonathan Jacocks. At the general court held July 29, 1712, the justices were Christopher Gale, William de la Mere, Thomas Relfe, and Thomas Garrett. There was no chief justice. At the general court, March, 1713, Gale presided under the title of chief justice. Somewhat earlier, perhaps, the receiver-general had instructions from England to pay £60 for the support of the chief justice, and in April, 1713, the council resolved that Gale was entitled to this compensation. "as he had executed that office from July 1, 1712." He executed the office, but probably held no appointment as chief justice. It seems that because of this provision of £60 for the support of the chief justice, Gale was appointed to that office in the spring of 1713. In 1715 the Lords Proprietors commissioned him as chief justice, and he was sworn in January 21, 1716.

Hawks, II,  
139Proceedings  
annulledC. R., II,  
34, 80, 217



1715

hostiles. Again alarm seized the people, and some determined on flight to Virginia. To prevent that exodus, a proclamation was issued forbidding such removals; and Governor Spotswood gave orders for the arrest of any who should come into that province without a passport from the North Carolina authorities. Garrisons were again posted on the southern frontier, and parties of whites and friendly Indians were sent out to suppress the enemy; but at length on February 11, 1715, a treaty was made with the Cores and their allies by which they were to observe peace, and territory on Mattamuskeet was assigned them for occupancy.

Feb. 11, 1715

South  
Carolina  
imperilled

Hardly had this peace been concluded before information was received of a very extensive uprising of the Indians in South Carolina, threatening the utter destruction of that colony. The Yamassees near the Savannah River having been instigated by the Spaniards, to the number of 6000, suddenly fell on the planters, and killed 400 whites, while 650 braves of the Catawbias and Cherokees came down the Santee, driving those who escaped into Charleston for safety. Governor Craven's energy and determined spirit alone saved them. Enrolling every man into the militia, he drove the Yamassees back beyond their old territory and expelled them from Carolina. Toward the last of May, the North Carolina council ordered that ten men should be drawn from each of the three companies, forming the "Governor's Own Regiment," and that Colonel Theophilus Hastings should proceed with them by water to Charleston; and also that fifty men should be sent by land under Colonel Maurice Moore.

C. R., II,  
180

Colonel  
Maurice  
Moore's  
expedition

The route taken by Colonel Maurice Moore was by New Bern down the coast to Old Town, then along the coast by land to the vicinity of Charleston, where he was largely reinforced. He then proceeded to Fort Moore, on the Savannah, seventy-five miles north of Augusta, and from there to the northwest, through Rabun Gap, against the Cherokee Indians.

Colonel Moore and his force were fortunate in rendering such valuable service in South Carolina that the General Assembly of that province invited him to its floor and thanked him in person for his aid; to Colonel Hastings they after-





ward paid £250 for his services, and to Colonel Moore they made a gift of £100. Indeed, the situation in South Carolina became so critical that application was made at London for troops and munitions to be sent from England, and the Lords Proprietors admitting their inability to protect their Carolina possessions, the matter of their purchase was considered by the Crown, but no definite action was then taken.

In the fall of that year, the Cores broke their peace and killed some settlers, and the council resolved that that tribe should be exterminated; and again companies were raised to carry on hostilities, generally composed of ten whites and some auxiliary Indians, who made profit in taking the hostiles alive and selling them as slaves. This desultory warfare continued for about three years, rangers being required to clear the woods and protect the settlers from massacre. How terrible and murderous was the war may be inferred from the number of infants, more than fourscore, that fell victims, besides the older children and mature persons.

By agreement with the Tuscaroras, they were to occupy a territory between the Pamlico and Neuse, but in fear of the hostile Indians of South Carolina, in the summer of 1717, they desired to be placed in a more protected section, and were assigned a region for occupancy north of the Roanoke.

1715

The Cores  
renew  
hostility  
C. R., II,  
200

1715-18



## CHAPTER XVI

### EDEN'S ADMINISTRATION, 1714-22

The Assembly of 1715.—The Church of England established in the colony.—Other laws.—The precincts.—Partisan disagreements.—“Blackbeard” harbors in Pamlico Sound.—Complicity of Knight.—Moseley and Moore search the records.—Knight exonerated, resigns and dies.—Moseley punished.—Revolution in South Carolina.—The dividing line.—Colonel Pollock president.—William Reed succeeds him.—Edenton.—Carteret Precinct.—A blow at nepotism.

#### The Assembly of 1715

Nov. 13, 1715

The Assembly that first met Governor Eden in 1715 was a notable one, convening just after the Indian war, and following the dissensions that had marked Governor Hyde's administration. Moseley, always at the head of the Popular party, was the speaker, and although differences between the council and administration on the one hand and the Assembly on the other again found expression, some of the greater questions that had agitated the colony had been finally settled by the course of events. The rights claimed for the Quakers under the concessions were now denied them. The sentiment that prevailed in England found a full voice in Albemarle. Liberty of conscience was declared; but Quakers were rendered ineligible to office; nor were they allowed to give evidence in any criminal case; nor could they serve on juries, but their affirmation was to be taken as a substitute for an oath in those cases in which their testimony was admissible.

C. R., II,  
207

All officers, including members of the Assembly, were required to take the test oath as well as the oaths of office.

#### The Church of England established in the colony

The Church of England, being the only one which under the charter could have public encouragement, was declared the established church. The two counties were divided into nine parishes, for each of which vestrymen were



selected, with the duty of providing a minister at a stipend not exceeding £50, and to build a church and a chapel in each parish; and to meet those expenses, they were to collect all fines and forfeitures imposed by law; and were empowered to lay a poll tax not exceeding five shillings per annum on the poll. It was also enacted that every person appointed a vestryman who neglected to qualify for one month was to forfeit his place, and unless he were a dissenter, should also forfeit £3. So if a dissenter were selected as a vestryman, he need not have qualified. But while these provisions were made for the employment of ministers, they were not put in operation. No pastors were regularly settled in the colony; only missionaries came, being sent out by the Society for the Propagation of the Gospel. In 1711, John Urmstone, a missionary, came to Chowan, and he remained in the colony about ten years. Rev. Mr. Rainsford came in 1712, but removed to Virginia in about twelve months. In 1718 Rev. Mr. Taylor came, but died after a residence of two years. In 1723, Thomas Bailey was in the colony as a missionary, and Rev. John Blacknall for awhile. These appear to have been all. The vestry act does not seem to have been carried into effective operation in any precinct, but at Edenton there was generally a missionary. In 1732 there was no minister of the Church of England in the entire colony.

1715

Parishes  
erectedThe Church  
established

Missionaries

Magistrates who by a former law were empowered to perform the marriage ceremony were forbidden to exercise that function in any place where a minister resided.

The Assembly fixed the price at which skins, hides, furs and produce were to be received in payment of debts, including quit rents and public dues. It re-enacted laws that had long been in force, including those based on the Fundamental Constitutions which had been adopted and carried into operation as nearly as circumstances permitted. Among these was that which has been known as the biennial act, which, conformably to the 73d and 75th articles of the Constitutions, provided that in September of every second year, the people were to choose assemblymen, who were to convene in session the next November, thus making provision for the regular meeting of the people's representatives indepen-

Other laws  
C. R., II.,  
213





1715

dently of any action on the part of the governor and council; although the right to alter the time and place of meeting was allowed to the Palatine's Court; and the powers vested in the Lords Proprietors by the Crown were not denied.

The new  
precincts  
C. R., II,  
214

C. R., III 453

Acts of  
Assembly  
1715

At that time, Bath County was divided into three precincts, now named Beaufort, Hyde\* and Craven. The inhabitants of Craven Precinct were to vote at Swift's plantation, at the mouth of Hancock Creek, while those of the town of New Bern were to vote in that town; the inhabitants of Beaufort were to meet at Bath Town, and those of Hyde at Websterson's plantation on the west side of Matchapungo River. The Albemarle precincts were to return five members; those of Bath County only two each. The inequality was doubtless because the new precincts were so sparsely settled. Under the original constitution, each of the precincts of Albemarle County was entitled to five members, but that provision was held not to apply to Bath County. The Assembly also provided for another issue of paper currency, elected a public treasurer, levied a tax to retire the currency, and arranged to pay its indebtedness to South Carolina. Also provision was made for the appointment of a register in each precinct to register deeds and record all births, deaths and marriages, as had long been the law and was required by the Constitutions. In fact, all the laws were revised and re-enacted at this session, and the common law of England was declared in force in North Carolina.

The revision  
of 1715

When the acts were submitted to the Lords Proprietors, they disapproved of the provision requiring the receiver of quit rents to receive the provincial bills for dues to the Proprietors, and they further informed the Assembly, "we have resolved that no more land shall be sold in the province, but only in England," and they reminded the Assembly that no act thereafter passed would be valid for a longer time than two years unless it received their approval.

C. R., II,  
217

In the fall of 1715 they appointed Christopher Gale chief justice, and he was sworn in January 24, 1716.

\*The territory embracing Mattamuskeet Lake was attached to Currituck Precinct, and so remained until 1745, when it was annexed to Hyde.



The journals of the house contained several resolutions, as having been adopted, but which the governor and council declared had not been passed; the first was a declaration against impressments by the governor and council, as being a great infringement of the liberties of the people; another was in condemnation of the treatment of the Core Indians; another, in condemnation of those who refused to take the public bills as paper currency in payment of fees, was evidently aimed at some of the administrative officers. Not content with mere resolutions, the Assembly appointed a committee to represent the deplorable circumstances of the colony to the Lords Proprietors. Evidently the former factions were not entirely hushed. On the contrary, the differences springing from diverse interests now became the basis of two parties, one adhering to the officials who represented the Proprietors, and the other composed of those inhabitants who sought the general welfare, which may well be called the Popular party.

Nor was the governor antagonized by only the People's party. He had some enemies closer at hand. In the summer of 1717, Christopher Gale sailed for London, with the purpose, as alleged by Parson Urmstone, himself a very erratic character, of accomplishing Governor Eden's downfall, and with the hope of supplanting him. This none too pious missionary introduces us to both the parties without evincing much partiality. The complaints against the governor, he asserts, were not groundless: "His honor has acted toward all men very arbitrarily, not to say unjustly." He is declared "to be a strange, unaccountable man." But of Gale, the parson entertained no better opinion.

The result of Gale's mission, however, was not hurtful to Eden; on the contrary, at the same meeting of the Lords Proprietors at which Gale was reappointed chief justice, Eden was made a landgrave. But Gale, whether smarting from his disappointments, or for other reasons, did not return to Carolina for several years. And another affair occurred that stirred the colony and involved the administration.

2715  
Partisan  
disagree-  
ments  
C. R., II,  
243, 244

C. R., II,  
299



1718

**Thack harbors in Pamlico Sound**

Among the pirates who infested the Atlantic coast, having their rendezvous in the Bahamas, was Thack, or Thatch, or Teach, his name being written in several ways, familiarly known as "Blackbeard." One of his lieutenants was Major Steed Bonnett, a man of gentle birth and of education. These sometimes came into the sounds of North Carolina; and they had friends there, as in Virginia and South Carolina. But among the better class of people, there was indignation that pirates should be tolerated by the officers. When the king offered pardon to all pirates who should surrender and reform, Thack availed himself of the terms and came in and promised to lead an honest life; but after a month he was again on the high seas. At length Captain Woodes Rogers, who had saved Alexander Selkirk from his desert island, was sent to break up the nest of pirates in the Bahamas. While he was successful in capturing many, Bonnett and Thack were not taken, and found a refuge in the inlets of North Carolina.

C. R., II,  
320, 335

Shortly afterward Thack sailed from the Pamlico and soon returned with a cargo of oranges and other fruit, sugar and spices, taken from a French vessel, which he had captured on August 22d, near the Bermudas, and then burned off the coast of Carolina. Some of this plunder he stored in the barn of Tobias Knight, an Englishman who had come over with Eden and who was secretary of the colony; and in the absence of the chief justice, Gale, had been appointed to that high position. Information was sent by some of the inhabitants to Governor Spotswood, who, deeming himself clothed with authority, determined to capture the pirate. There were two British men-of-war in the harbor; but there was so much sympathy for the pirates in Virginia, that Governor Spotswood would not hazard communicating his purpose even to any member of his council. Obtaining two sloops, and fitting them out secretly with men supplied from the men-of-war, he sent them under the command of Lieutenant Maynard in search of Thack's vessel, the *Adventure*, which on November 22, 1718, was discovered near Ocracoke Inlet. A desperate battle followed. Knowing the shoals of the sound, Thack had some advantage; but at last,

C. R., II,  
325Spotswood  
acts

Nov. 22, 1718





hard pressed, the *Adventure* was stranded. As Maynard's sloop now approached the pirate ship, Thack poured into it a murderous broadside that swept off many of the crew. But Maynard, ordering his men below, steered directly for the *Adventure*, and as the vessels closed, Thack and his crew sprang upon the deck of the sloop and, animated by a desperate courage, hoped to take possession and make their escape. But Maynard's men rushed from below, and in the hand-to-hand encounter that ensued the pirates were overcome. The *Adventure* carried 8 cannon; and of the crew of 18 men, 9 besides Thack were killed outright, and 9, some desperately wounded, were taken prisoners; of the king's men, 12 were killed and 22 wounded. The prisoners who survived were taken to Virginia, tried and convicted of piracy.

1718

C. R., II,  
325

Upon the capture of Thack's vessel, Governor Spotswood sent Captain Brand of the British Navy to obtain the stolen merchandise. Colonel Maurice Moore and Jeremiah Vail accompanied him to Pamlico, and the goods were found, some being discovered in the barn of Tobias Knight. Immediately the governor and some of his council remonstrated at the action of Governor Spotswood, claiming that these proceedings were unlawful and improper. Separating Colonel Pollock and Governor Eden from Tobias Knight, it appears that the governor regarded that it was an invasion of his government for Governor Spotswood to send a force into North Carolina waters even for the purpose of capturing a pirate; and he keenly felt and warmly remonstrated against Captain Brand's taking possession of the sugars and removing them to Virginia, to be disposed of by the court of admiralty. Colonel Pollock doubted the strict legality of Governor Spotswood's action, but advised Governor Eden to make no point about it. While the council stood by Knight, Eden's action is hardly consistent with innocence as to the alleged complicity with the pirate, and he certainly did not give expression to any great satisfaction at Thack's destruction. Still if Eden had any association with Thack, it was less open and notorious than the bearing of some of the governors of other colonies toward the pirates.

Complicity  
of KnightC. R., II,  
319C. R., II,  
341, 346, 349

The public records according to the instructions of the



1718

Moseley and  
Moore  
search the  
records

Lords Proprietors were to be open to public inspection; but in the absence of any public buildings, they were kept in rooms of private houses. The records of the secretary's office were deposited in a private house at Sandy Point, near Edenton; and Maurice Moore and Edward Moseley, being determined to search the records for incriminating evidence regarding improper dealings between the authorities and Thack, on December 27th broke into that room, barred the door and proceeded to make an investigation. For this alleged trespass and misdemeanor, the governor issued a warrant for their arrest, and sent a considerable body of men to apprehend them. Indignant at such a posse being sent to take him, Moseley exclaimed that "the governor could find men enough to arrest peaceable citizens, but none to arrest thieves and robbers." The intimation was plain, that the governor was willing to shield the pirate, and the allegation was *scandalum magnatum*. Moseley and Moore were bound over to court, and an indictment followed as a matter of course. At the trial of the pirates before the admiralty court in Virginia, the evidence implicated Tobias Knight as being in complicity with Thack, and a copy of the testimony was sent by Governor Spotswood to Governor Eden. At a meeting of the council, about the opening of April, this testimony was considered and an order was passed to serve a copy of it on Knight, who was not in attendance. At the next meeting in May, Knight filed a statement in explanation. While making sweeping denials, alleging that he was pursued "by Moore and Vail and that family," he declared that he had not sought to conceal the fact that the sugars were stored on his premises; and he alleged that they were lodged there at the request of Thack only until a more convenient store could be procured by the governor for the whole cargo. This apparently connected the governor with the transaction, and would necessarily involve him if Knight were found implicated in any illicit dealings regarding these goods. The governor himself made no particular explanation, but the result of the investigation could not be doubtful.

C. R., II,  
344

The council hastened to declare that Knight was not guilty, and ought to be acquitted of the crimes laid to his



charge. Still of Knight's complicity there is no question, while his explanation that seemed to involve Governor Eden may well be entirely disregarded. The circumstances are inconsistent with his innocence. Thack, being a notorious pirate, had accepted the king's offer of pardon; had then returned to his trade; had again surrendered and made application for a second pardon; and while the application was still pending, he had sallied out with his vessel armed with eight cannon and manned by a crew of desperadoes, and having taken a French merchantman and transferred the cargo to his own ship, had burned his prize off the North Carolina coast; and then coming in, devised the story not likely to impose on the credulity of any one, that he had found a wreck on the high seas and had saved the cargo. A part of his stores was conveyed at the dead of night to the barn of the chief justice of the colony and concealed beneath the fodder. When Knight was first questioned by Captain Brand, he positively denied that any such goods had been concealed on his premises. The denial being ignored and he being informed that a memorandum found on the person of the dead pirate attested the facts, he reluctantly made the admission. Also in Thack's possession was discovered a letter from Knight of recent date, beginning, "My friend," and containing friendly advice, in itself being full proof of the intimate connection and guilty association. Against these facts, the exoneration by the governor and council carried no weight. Knight resigned as chief justice, Colonel Frederick Jones becoming his successor, and then he died before the summer had ended. Such was the termination of the career of that English adventurer, who, like many others sent over by the Proprietors to hold important office, sought to win fortune at the expense of honor and character, and was utterly indifferent to the good fame and material welfare of the inhabitants of the province. He was doubtless quite right in ascribing to the Swann and Lillington connection a purpose to uncover his nefarious dealings. The gentlemen of that family had a patriotic interest in removing from their settlement the reproach of harboring pirates, as their action in searching the records sufficiently indicates.

For their offences Moore and Moseley were tried at the

1718

The council  
exonerates  
Knight, but  
he resigns  
and dies

C. R., II,  
344





1719  
C. R., II,  
366, 368

C. R., II,  
368

general court in October, 1719. To the indictment for breaking into the secretary's office, they with Thomas Luten and Henry Clayton pleaded guilty; and a fine of £5 was imposed on Moore, and of five shillings on Moseley. But the case against Moseley, for his scandalous words, was regarded as more serious. The jury rendered a special verdict—that Moseley had uttered the words, and "if the law be for the king, then he was guilty." After several days' delay, the court ruled that he was guilty; and it being considered that his action was in the nature of stirring up sedition, he was sentenced to pay a fine of £100, and to be incapable of holding any office or place of trust in the colony for three years. His practice, however, was large and important, and as he was silenced as a lawyer, the business of the court was so impeded that the chief justice, Jones, requested that his disabilities as an attorney might be removed; and in view of the allegation that he had intended to raise sedition, perhaps also because of the recent revolution in South Carolina, Moseley was led to state, in a petition to the council, that his words were not uttered with such a sinister design, but only through heat and passion; and he asked to be relieved of the sentence. But the governor, perhaps, felt that there was too much truth in what Moseley had so bluntly alleged for the offence to be forgiven, and the only concession he made was that Moseley might bring to an end such litigation as had been committed to him before the sentence was imposed, but should take no new cases. So for three years the leader of the Popular party and the most influential citizen of the province was excluded from all public employment and forbidden to practise law.

#### Revolution in South Carolina

While these matters were in progress in North Carolina, the condition in South Carolina had become so intolerable under the inefficient government of the Lords Proprietors, that the people having determined on a revolution, following the methods practised in England, formed an association to stand by each other; and the Assembly which convened on November 28, 1719, resolved itself into a convention, and threw off the authority of the Lords Proprietors, offering the



administration to Governor Johnson, who had succeeded Craven, if he would continue to act as governor and hold the province for the king. This Governor Johnson properly refused to do, and the people then elected James Moore governor, and applied to the king to receive South Carolina as a royal province.

1719

Moore leads  
the South  
Carolina  
revolt

A revolution so complete and successful cast dismay among the Proprietors and their officers in North Carolina, and raised anew in England the question of the Crown's resuming possession of the entire territory of Carolina. It also led to the consideration of the dividing line between the two governments.

The South Carolina authorities claimed the Cape Fear River as a boundary, and asserted that their government had issued grants for land on that river; but in the earlier days the Santee had been the northern limit of South Carolina, and more lately, after Clarendon County had ceased to exist, the territory north and east of Cape Fear was assigned to the North Carolina government. As there were no settlements in the Cape Fear region, the question had not been of importance, and before the boundary was marked North Carolina had occupied the southern bank of the Cape Fear River as a portion of Bath County.

The South  
Carolina  
dividing  
line

#### Conditions in North Carolina

As painful and devastating as the Indian war had been, its sacrifices were not without compensation. Although the trade in furs largely ceased the colony received a greater benefit from quieting all apprehensions of Indian outbreaks. The savages being suppressed, the extension of the plantations proceeded without interruption and population continued to flow in, the settlements progressing to the southward as well as to the westward along the navigable streams.

Population  
increases

In January, 1670, the Assembly had passed an act restricting grants of land in any one survey to six hundred and sixty acres in order to remedy the evil of large tracts or plantations being insufficiently cultivated; and the Proprietors in 1694 had authorized Governor Archdale to sell land in Albemarle in fee for what he could reasonably obtain for it; however, not under £10 for a thousand acres, and reserving an annual rent of not less than five shillings to a thousand



1722

Land  
patents

acres. Later the Proprietors, understanding that advantage was being taken of them by the issue of patents for thousands of acres in a body which was not seated, but thus withdrawn from other purchasers while yielding no rents, in their instructions to Governor Hyde forbade the issue of any patents whatsoever. They also forbade the survey of any lands within twenty miles of the Cape Fear River. In January, 1712, however, at Governor Hyde's instance, they modified these directions so that he was allowed to issue patents not to exceed six hundred and forty acres in a body, requiring a cash payment of twenty shillings for every hundred acres, and an annual rent of one shilling sterling money of Great Britain per acre. These terms necessarily applied only to the lands in Bath, for those in Albemarle were held under the Great Deed. The council represented in 1718 that these orders relating to the sale of land imposing such hard terms were inconsistent with the settlement of the province, and it unavailingly asked that they might be revoked. At that time there were about one million acres held subject to quit rents, and there were about two thousand tithables in the colony; and despite the orders, the people were spreading out in Craven and up the Neuse and along the Roanoke. Indeed, the province was making rapid strides in importance when, in March, 1722, Governor Eden died.

Eden dies  
March, 1722Colonel  
Pollock  
president

So far as the internal affairs of the colony were concerned, during the latter years of Eden's administration at least, the people enjoyed a period of repose. Except for the irritation that may have incidentally grown out of its attitude toward Moseley, his administration was apparently quiet and pleasant, although the desultory depredations of the Indians added somewhat to the cares of his official life. On his death, Colonel Pollock was again chosen president; but that valuable citizen, who for twenty years had been one of the most prominent and influential, as he was doubtless the richest, of the inhabitants, did not long survive this last accession of power. In all the contests that had divided the people he had taken sides against the party to which Moseley adhered. When the latter stood for popular rights, Pollock threw his influence toward maintaining the authority

His death,  
August 30,  
1722, and  
character





of the administrative officers; but of his sterling worth, ability and character there is no question.

1722

On his death, toward the last of August, he was succeeded by William Reed, who was in no wise comparable to him, either in social position or in respectability of character.

William  
Reed  
succeeds  
him

Chief Justice Gale, after an absence of nearly four years, returned to the province just as Governor Eden expired, and resumed his official functions, and he also took his seat at the council board as a deputy of James Bertie, one of the Lords Proprietors.

A hamlet had sprung up on Queen Anne's Creek and Governor Eden had made his residence there, and the council and general court met at that place. It was now incorporated as a town under the name of Edenton, and became the established seat of government. An Assembly was held there in October, 1722. The previous Assembly was presided over by William Swann, but Moseley's disabilities having now expired by the passage of three years, he was chosen speaker of the new body. Among its acts was one establishing seats of government in the several precincts and settling the courts and court-houses. And because the territory west of the Chowan had become so populous, a new precinct was laid off in that territory named Bertie, doubtless in compliment of the Proprietor.

Edenton

S. R., XXIII,  
102

Bertie  
Precinct

In August, 1722, the council had established Carteret Precinct, extending southward indefinitely to the bounds of the government, including all the settlements in that direction; and the town of Beaufort was incorporated into a seaport, entitled to a collector of customs; and a road was directed to be opened from Core Point to New Bern. The growth of the province had been retarded for the want of commercial facilities, and to improve navigation an act was passed to encourage a settlement at Ocracoke Inlet, because of the good anchorage and harbor there.

Carteret  
Precinct  
C. R., II,  
458, 459

Another act had for its object to discourage the influx of official adventurers by prescribing a qualification for officers that would exclude such persons as any new governor might bring over as satellites in his train; it prohibited the governor from granting any office to any British subject who had not resided three years in the province.

Official  
adventurers  
discouraged



## CHAPTER XVII

### ADMINISTRATIONS OF BURRINGTON AND EVERARD, 1724-31

Governor Burrington explores the Cape Fear.—Opposition to him.—Burrington displaced.—Sir Richard Everard.—Antagonism between Assembly and governor.—Altercations of Burrington and the governor.—The ministers.—The settlement of the Cape Fear.—The Assembly sustains Burrington.—He appeals to the Proprietors.—Personal controversies.—The dividing line with Virginia.—Purchase by the Crown.—Carteret retains his share.—Everard breaks with Gale.—The lords of trade.—The currency act.—The end of the Proprietary government.—Conditions in North Carolina.—No public schools.—Few ministers.—The Baptists.—Industries.—Population.—Social conditions.

#### Governor Burrington

1724

Jan., 1724

To fill the vacancy caused by the death of Eden the Lords Proprietors proposed to appoint George Burrington, of Devon, governor of North Carolina, and on February 26, 1723, the king gave his assent; but it was not until the succeeding January that Burrington reached Edenton and took the oaths of office. The new governor had held office under the Crown in every reign since the revolution of 1688, and must have had considerable official experience. He was a man of violent temper, firm and resolute, and one who could brook no opposition. Thomas Jones, a son of Chief Justice Jones, had intermarried with Miss Swann, the stepdaughter of Moore, and had thus connected his father with the Moseley and Moore faction; while by the death of Colonel Pollock Chief Justice Gale was left the most respectable and influential member of the opposition. On Burrington's arrival he not unnaturally allied himself with the dominant party, that contained not merely the numerical majority controlling the Assembly, but almost all the influential men in the province. Moseley himself was now of the council,\* and the power of the administration was with

\*To fill a vacancy in the council, the other councillors could temporarily elect.



his friends. The Assembly met three months later and formally begged that the instructions of the Lords Proprietors prohibiting the sale of lands in Bath might be disregarded until an address could be sent to them in England. It was asserted that, the land office being closed, persons coming into the colony to locate could obtain no grants and were forced to go elsewhere, and that the welfare of the province demanded a change in regard to these matters. Burrington entered heartily into the measure. There was a particular prohibition against making any grant on the Cape Fear River, but he obtained by purchase an old patent issued by Governor Hyde in 1711 to Thomas Harvey, calling for five thousand acres, and he determined to locate it on that river. There were other such patents for lands bearing that date eventually located on the Cape Fear, but whether they were issued pursuant to a purpose to make a settlement in that region at that time, or whether they were issued in blank and originally intended for a different locality, is a question not now possible to determine. With a view to opening up that region to settlers, Burrington undertook to make a thorough exploration of it. He visited it in person, and underwent much hardship, privation, exposure and danger in exploring its streams, its swamps and wildernesses. If he was not persuaded to this resolution by Maurice Moore, he was at least seconded and encouraged in it by him.

Moore, who had traversed that country in going to the aid of South Carolina in 1716, determined to form a colony and settle there, and to this end he interested his brothers and friends in South Carolina and his family connections in Albemarle and Bath counties, who agreed to join him in making a new settlement.

But while these matters were in progress, Burrington's unfortunate temper threw him into personal antagonism with the chief justice and other officials. In addition to his salary as governor, the Lords Proprietors had granted him and two associates a lease of the exclusive right of the whale fisheries along the coast; and whether from some incident springing from that lease or from some dereliction of duty on the part of the naval officer at the port of Roanoke, and of the collector of customs, the governor in the

1724

C. R., II,  
523Explores the  
Cape Fear  
C. R., II, 569C. R., III,  
502C. R., II,  
569Opposition  
to  
Burrington





1724

C. R., II,  
561

summer of 1724 threatened violence to one and imprisonment to the other. Chief Justice Gale, who was also a collector of a port, sustained his brother officials, and toward the chief justice Burrington was abusive and violent. Gale even declaring that the governor had come to his residence at night and threatened to kill him and to burn his house over his head. Burrington had been affable to the people, and had so ingratiated himself that he was popular among the rich as well as the poor; and now the assemblymen stood by him, while the councillors generally supported Gale. The chief justice speedily left the colony and sailed for England, bearing a representation, signed by seven of the council, complaining of the governor's violence and arbitrary conduct.

Everard  
appointed  
governor  
Jan., 1725

C. R., II, 562

Arriving at London, Gale hastened to inform the commissioners of customs, under whom he held his office as collector of the port at Beaufort, of the illegal action of Burrington, and declared that, believing his life in danger, he had been obliged to flee from the province, and that he could not return but at the hazard of his life. In addition, Gale appears to have impressed the Lords Proprietors with the belief that Burrington was preparing to lead a revolution, as James Moore had done in South Carolina, and throw off the authority of the Proprietors. Evidence of this, according to his enemies, was afforded by his association with Maurice Moore, his visits to South Carolina, his appointment of Moseley to administer the government during his temporary absence, his arrangement for the settlement of the Cape Fear, notwithstanding the prohibition of the Proprietors, and his courting popularity among the people and his friendly alliance with the leading inhabitants. In this mission Gale was more successful than in his alleged attempt to overthrow Eden. The fears of the Proprietors were at once aroused, and apprehending that they might lose their province either through revolution or by the king taking possession because of the illegal conduct of their governor, in haste they appointed Sir Richard Everard to supplant Burrington, and in July, 1725, Everard reached Edenton and took the oaths of office. Gale accompanied the new governor, who not unnaturally looked to him for

Everard  
reaches  
Edenton,  
July, 1725



advice and counsel, and being a weak man, fell entirely under his influence.

1725

According to the biennial act, an Assembly was to be elected in September, and as the time approached, Burrington became very active in managing to secure the election of members who were friendly to him. He visited all the precincts and stirred his friends to zeal and activity. By law the Assembly was to meet in November, but Gale advising that there was no need for an Assembly at that time, the governor in October issued a proclamation proroguing it until April. On the other hand, it was declared that under the fundamental constitution of the province the governor had no power to postpone the meeting of the Assembly, and, in disregard of the proclamation, the members convened at Edenton on the day fixed by law, Burrington being a member, and the body chose Moore as speaker.

The Assembly was entirely in sympathy with the deposed governor, and having resolved that the prorogation was an infringement of their liberties and a breach of the privileges of the people, they declared that at their next meeting they would proceed to no business until their lawful privileges were confirmed. The governor and council refused to recognize that the house was in session, but nevertheless, the house adjourned from day to day, and the next day adopted an address to the Lords Proprietors in which they represented that the great happiness which the province had enjoyed under the administration of Burrington had been "much disturbed by the unexpected change made through many false and malicious calumnies raised against that gentleman by persons of the most vile character and desperate fortunes"; and they solemnly denied that there was any disposition or design on the part of Burrington or any one else to cause such a revolution as had taken place in South Carolina; and they represented that great evils were apprehended from the vile administration which the province was threatened with from a governor "entirely influenced by a few persons of the most irreligious and immoral character."

Antagonism  
between  
Assembly  
and  
governor  
Nov., 1725

C. R., II, 577

C. R., II,  
577, 578

Having given expression to these sentiments, the house adjourned to the first Tuesday in April, the day set by the



1725

governor for its meeting. Burrington, strengthened by the support the house gave him, felt no restraint in making evident his contempt for Everard. Announcing that in nine months he would be restored to the office of governor, he promised places to his friends who had been dismissed by the new administration, and he carried himself very defiantly toward the governor, in utter disregard of law and order. Proclaiming that Sir Richard was an ape, a noodle, and no more fit to be a governor than Sancho Panza, he sought to disparage him with the people, and going to Sir Richard's residence at Edenton in the night, he called him out and threatened him and abused him with great opprobrium.

C. R., II,  
648Altercations  
of Burrington  
and  
the governor  
C. R., II,  
651

In one of these violent demonstrations, a night attack on the governor's house, he was accompanied, among others, by Cornelius Harnett, an Irishman who had recently come into the colony with several thousand pounds' worth of merchandise and had established himself as a merchant. Indeed, on the night of December 2, 1725, after their assault on the governor, they broke open the doors of the house of the constable and beat that officer furiously; and James Potter coming to his neighbor's aid, they violently assaulted him; and then forcing the door of Thomas Panis's residence, they assaulted him and drove his family out of the house. The governor himself was disorderly, but not quite so violent in his demonstrations as Burrington. But together they caused about Edenton a discreditable uproar, and the greater part of the province was more or less interested in their bitter antagonism, Gale's friends in the council gathering around Everard, while the assemblymen were of Burrington's faction. Even the only two ministers in the province took different sides. Rev. Mr. Bailey, a missionary, was of the Burrington faction, and received no courtesy but hard usage from Everard; while Rev. Mr. Blacknall, who had come over with the new governor, and sided with him, was represented by Sir Richard to the Bishop of London as a very good preacher, a gentleman, perfectly sober, and beloved by all but Mr. Burrington's party. This Mr. Blacknall, who was of a highly respectable connection in England, perhaps in ignorance of the provincial law, was led soon after his arrival to perform the marriage service between a

The  
ministers,  
C. R., II,  
604





white man and a mulatto woman. On the same day, perhaps ascertaining that he had committed an offence, he went before the chief justice and made an affidavit of the fact. Being subject by law to a penalty, one-half of which was for the use of the informer, he claimed his half, which lessened his fine to that extent. Doubtless he erred through ignorance. There was nothing to his personal advantage in his delinquency, and he lost no time in acknowledging his violation of the law and in evoking its operation. But he did not remain long in the province, soon going to Maryland.

1725

This factional disturbance in Albemarle perhaps rather hastened than delayed the settlement of the Cape Fear. Bath County extended from Albemarle Sound down to the undefined southern limits of the province; and when Carteret Precinct was established it included the entire unsettled region, embracing the Cape Fear and down to the South Carolina line. The first known grant in that wilderness was issued to Maurice Moore on June 3, 1725, for fifteen hundred acres on the west bank of the river, sixteen miles below the present town of Wilmington, where he laid out a town which he called Brunswick, in honor of the reigning house, and invited settlers to locate there. His brothers, Roger\* and Nathaniel, and other friends came from South Carolina, and Maurice Moore and a large part of the Lillington connection also prepared to remove from Albemarle. The former took up lands on the lower Cape Fear, while the Albemarle contingent located their grants on the northeast branch, where Burrington also took his five thousand acres, by grant dated June 25, 1725;† and other accessions being made, at last there was reason to hope that the advantage of a good port and harbor would be obtained for the province.

The settlement of the Cape Fear

Carteret Co. Records

Stag Park

At the March term of the court Burrington and Harnett

\*Roger Moore, because of his wealth and large number of slaves, was called "King Roger." There is a tradition on the Cape Fear that he and his slaves had a battle with the Indians at the "Sugar Loaf," nearly opposite the town of Brunswick. Governor Tryon, forty years later, mentioned that the last battle with the Indians was when driving them from the Cape Fear in 1725. The tradition would seem to be well founded.

†Some of the names bestowed on localities by Hilton in 1663 are yet retained: Stag Park, Rocky Point, etc.



1726  
C. R., II,  
628

April, 1726

C. R., II,  
608

were indicted for their violent trespasses and assaults, and the latter left Albemarle, and going to the Cape Fear, conducted a ferry across the river at the new town of Brunswick, which at the March term of the general court at Edenton in 1727 was duly established and legalized. Burrington was in his seat as a member of the Assembly which met pursuant to the prorogation on April 1st. That body remained steadfast to his interests and manfully stood by him, notwithstanding his disorderly conduct. John Baptista Ashe, with whom Burrington had established very cordial relations, having been acquainted with several members of his family in England, was, in the absence of Moore, chosen speaker, and he strongly supported the ex-governor. Sir Richard opened the proceedings with an address appealing for love and charity, and that all breaches should be healed, that the country should flourish and all be happy.

C R., II, 619

The house met this tender of the olive branch with a resolution that all its debates should be secret, and that any member who should disclose the purport of any debate should be expelled. After a week's delay an answer was adopted to the governor's address, detailing at large the alleged grievances of the people, and aimed at the administrative and court officers, who were denounced as vile and base characters; and they called on the governor to heal the breaches by bringing them to punishment. The governor was, however, reported to be dangerously ill, and the address could not be presented. The house next delivered an address to Burrington, full of compliments, and thanking him for his many services and the advantages received under his mild administration; and then an address to the Lords Proprietors was adopted, declaring that they would esteem it one of the greatest favors if the Proprietors would restore Burrington to the office of governor. Called to the governor's dwelling, because he was too ill to attend at the council chamber, the house presented its address and asked for an answer to their grievances; but instead of a reply, the secretary announced that the governor and council had agreed on a prorogation, and the governor verbally pronounced a prorogation, which the house on its return to its chamber declared illegal; but nevertheless, it adjourned



to the day appointed. Burrington forwarded the resolutions in his favor to the Lords Proprietors, and addressed to them a memorial relative to his administration. He mentioned that because of mighty storms in August before his arrival the crops had been destroyed and there was almost a famine, yet a thousand families came to live in the province during his administration, and more would have come had not provisions been so scarce; that he had reorganized the militia; and finding that the magistrates were of no respectability, he had prevailed on Colonel Moseley, Colonel Harvey, Colonel Swann, Colonel Maule and other gentlemen to preside over the precinct courts, which had borne excellent fruits in establishing the courts in the confidence and respect of the people; that he had purposed being of use to Governor Everard, and he took occasion to warn him against the advice of Gale, Lovick, and Little, but unavailingly; that great improvements had been effected through his own efforts, and that he had remained in Carolina expecting to learn from them the nature of the complaints against him, but was still in ignorance; and that he would take the first opportunity to clear his character, if sullied.

1726  
Burrington  
appeals  
to the  
Proprietors

C.R., III, 33

In the meantime the prosecutions against him were continued on the docket, no particular efforts being made to arrest him and bring him to trial. He did not leave the province, but established himself on the Cape Fear, at Governor's Creek, five miles below Brunswick, where he remained until 1728. Yet he was quiet. Edmund Porter, who had recently returned to Carolina after an absence of some ten years, was almost as violent toward the officers as the deposed governor had been, and there was generally in progress a sharp controversy between some private person and either the governor or the chief justice or the attorney-general, apparently of a personal nature; but in the course of the proceedings they were made to bear the character of sedition and rebellion. In this remote and sparsely settled country doubtless the officers frequently acted arbitrarily, while occasionally some citizen, not sufficiently respecting the government, manifested a spirit of excessive freedom and independence and was guilty of disorderly offences.

Personal  
contro-  
versies





1728

C. R., II,

733

**The dividing line**

After years of delay, in 1728 the dividing line between Virginia and Carolina was established. Governor Eden and Governor Spotswood had agreed on a compromise of the vexed questions involved, which had been accepted by the authorities in England, but the king delayed authorizing the actual survey to be made, so the matter lay in abeyance until, in 1727, the governor of Virginia informed Sir Richard that he had received instructions to appoint surveyors on the part of the Crown. The line was to run from the north shore of Currituck Inlet due west to the Chowan; if it struck the Chowan between the mouths of Nottoway and Wiccons Creek it was to continue west to the mountains. But if it struck to the south of Wiccons Creek it was to follow the Chowan to that creek and then due west; and if that line struck the Blackwater River to the northward of Nottoway River it was to come down the Blackwater to the Nottoway and then west to the mountains. On the part of North Carolina, Christopher Gale, John Smith, Edward Moseley, and William Little were appointed the commissioners, and William Byrd, Richard Fitzwilliam, and W. Dandridge were to act for Virginia, representing the interest of the Crown. On March 7th a cedar post was fixed on the seashore as the beginning of the line. Four days later they struck the land "formerly belonging to Governor Gibbs," now to Mr. Bladen, one of the Lords of Trade, which was found to lie in North Carolina. The line cut the Blackwater above the mouth of the Nottoway, and so the surveyors followed the stream down to the point, the report saying that the former Virginia commissioners had been in error twenty-one and one-half miles. So there were thrown into Carolina a great quantity of land and many families that had formerly been claimed by Virginia, computed at a hundred thousand acres of land and three hundred tithables. It is also noted that when the surveyors struck Dismal Swamp the Virginia surveyors went around it, but the North Carolina surveyors boldly essayed the attempt and passed through it. The first one to come out on the west side was young Sam Swann, a nephew of Moseley, whose vigor, energy and learning subsequently

1728

Swann  
passes the  
Dismal  
Swamp,  
C. R., II, 755



led to his taking a prominent part in the affairs of the colony. On April 5th the commissioners suspended the work, which was resumed on September 25th, and a week later the Roanoke was reached.

1728

On October 6th, when Hycootte Creek was reached, one hundred and sixty-eight miles from the inlet and forty-five miles west of the Roanoke River, the North Carolina commissioners resolved that they had gone far enough for the present, it being fifty miles beyond any inhabitants. The Virginia surveyors, however, preferred going on, and ran the line about seventy-two miles farther west, being altogether a distance of two hundred and forty-one miles from the sea, reaching the hills of the present county of Stokes.

C. R., II, 776

C. R., II,  
815

#### Purchase by the Crown

There had been some movement looking to the purchase of the Carolinas by the Crown, which perhaps was interrupted by the sudden death of the king in 1727, but in January, 1728, a number of the Lords Proprietors united in a memorial offering to surrender their interests; and an agreement for the surrender being reached, an act of Parliament was prepared authorizing and establishing the agreement, and the conveyance was made. At that time the eight shares were held and owned by the following Proprietors: That of Clarendon by James Bertie; that of Albemarle by the Duke of Beaufort; that of Craven by Lord Craven; that of Colleton by Sir John Colleton; that of Carteret by Lord John Carteret; that of Ashley by a minor, John Cotton; that of Sir John Berkeley by Joseph Blake, and that of Sir William Berkeley by Mary Dawson, widow of John Dawson, or Elizabeth Moore or Henry Bertie, there being a legal controversy to determine their rights.

C. R., III, 33  
The last  
Proprietors

All joined in the conveyance except Lord John Carteret, who was at that time lieutenant-general and governor of the Kingdom of Ireland, and his share was reserved to him.

By the agreement, each of the seven shares was to be purchased at the price of £2,500, being £17,500 in all; and the payment was to be made and the conveyance executed in June, 1729. There was, however, a considerable amount

Sale completed,  
June, 1729



1728

Carteret  
retains  
his share

of quit rents due to the Proprietors, and to satisfy their claim for rents the king allowed them an additional sum of £5,000.

Everard  
breaks with  
Gale

C. R., III, 2

Notice of the proposed sale was, in December, 1728, conveyed to the governor and council, and the council addressed a memorial to the king manifesting their happiness in the transfer of the province to the protection of the Crown, and then they continued: "That it was with the greatest sorrow that they felt obliged to make remonstrance against the character of Sir Richard Everard, whose incapacity, weakness, disregard of law, wickedness, and violence" they proceeded to set out with great particularity.

C. R., III, 5

On the other hand, some three weeks later Sir Richard published a declaration to convince mankind, and in particular the inhabitants of the province, that all the unhappy misunderstandings and dissensions between him and the Assembly and other gentlemen of good note were owing to the calumnies and false information given him by Chief Justice Gale, John Lovick and William Little, who he declared were the only enemies to the repose and quiet of the people.

The Lords  
of Trade

C. R., III, 63

Burrington appears to have been at that time at his plantation on the Cape Fear, but he soon departed for London. There, in August, he had the satisfaction of presenting to the authorities this declaration of Sir Richard's, which was a tardy vindication of his own character from the former representations of both Gale and the governor. The Board of Trade, to whom was committed the affairs of the colony, now had before them the statement of the council reflecting on Everard and the proclamation of Everard denouncing Gale and Little; while another paper was received by them, ostensibly the remonstrance of the inhabitants of North Carolina against the appointment of Burrington as governor. In the meanwhile, the administration of the province was not interfered with, and Everard, Gale and their associates remained in undisturbed possession of their respective offices.

The  
currency act  
C. R., III,  
145

After the execution of the deed transferring the province, and probably with information of it, but before official notification, at its session of 1729 the Assembly passed a very





important act relating to the currency, making Sir Richard a present of £500 in consideration of his assenting to it. Dr. Hawks, with a copy of the act before him, says that it was passed in 1727, and was to go into effect in 1728; but in that he was mistaken: perhaps such a bill was prepared for the Assembly of 1727, and the copy he saw was a bill drawn up two years before it was enacted into a law.

1729

By that act five commissioners were appointed to prepare and issue bills to the amount of £40,000. One-fourth was to be delivered to the treasurer to redeem the old bills, which if not redeemed were to become valueless within a fixed time. A treasurer was appointed for each precinct, and the residue of the bills was to be apportioned among the precincts according to their several needs and lent out by the precinct treasurers to citizens on mortgages of unencumbered real estate of twice the value of the loan. The loans were to be repaid in fifteen years, one-fifteenth and the interest being paid each year, the rate of interest being  $6\frac{1}{4}$  per cent. The loan feature of the act had been in use in South Carolina and in other colonies and had proved a beneficent governmental operation, and doubtless was of much advantage to the people of North Carolina. While it was provided that twenty shillings of the bills were to be held as being worth fifteen pennyworth of silver as current in Virginia, yet as they might alter in value, it was provided that each succeeding legislature should periodically revise this arrangement and declare the value in silver of twenty shillings in bills according to the then situation. Contracts specifically made to be paid in sterling money or in gold and silver were not at all affected by this act.

The  
currency  
act

1729

This law took effect, and there being about £10,000 of the former issue of bills outstanding, they were retired; and the currency of the province was this new paper money when the king's officers came into authority, and so continued for many years, for although the validity of the act was questioned, it was never repealed.

The end of the proprietary government had now come, and with it passed away the distinctive features of administration founded on the Fundamental Constitutions. Until then the office of Palatine had survived, and landgraves and

End of  
proprietary  
government



1729

caciques—the orders of Carolina nobility. With the end of the proprietary system these all necessarily fell. But other than that the transfer to the Crown worked but little change in the general system of government.

Influence  
of the  
transfer

For two-thirds of a century the colony had been under the general management of the Proprietors; but left largely to itself, it had developed on its own lines. The grant to Charles's courtiers of an immense territory in the wilds of an unsettled continent could not have been expected to bring them speedy fortune. It entailed some considerable outlay at first, and the development being slow, no riches had been amassed at the expense of the settlers. Still, one-eighth of Carolina was a noble patrimony, and had the Proprietors been able to retain their shares for another generation, and had acceptable agents to represent their interests after population had thickened, they would have enjoyed a princely inheritance.

#### Conditions in North Carolina

Growth  
slow

Naturally the growth of North Carolina had been particularly slow. The situation was much less favorable than in the settlements to the north, or even in South Carolina. To the first plantations, situated on Albemarle Sound, access was difficult and dangerous. Roanoke Inlet was not only shallow, but beset with treacherous and shifting shoals; and Ocracoke, though bolder, was not well known, while the storms of Hatteras were a perpetual menace to adventurous merchantmen. The absence of a good port and harbor tended to stifle the growth of the colony, while more favored and attractive localities drew elsewhere the enterprising emigrants from Europe who sought new homes in America.

Education

Life was easy and pleasant, but the population was so sparsely seated that social advantages and the benefits that attend the gathering together of many families into a compact community were deplorably lacking. There were no public schools. There were doubtless some schools and also some tutors employed on the plantations, but no academies for the improvement of the young had been established in the colony. But notwithstanding the absence of schools, education was not entirely neglected. A will of that period con-



tains this direction: "I will that my slaves be kept at work on my lands, that my estate may be managed to the best advantage, so as my sons may have as liberal an education as the profits thereof will afford. And in their education I pray my executors to observe this method: Let them be taught to read and write, and be introduced into the practical part of arithmetic, not too hastily hurrying them to Latin or grammar; but after they are pretty well versed in these, let them be taught Latin and Greek. I propose this may be done in Virginia, after which let them learn French. Perhaps some Frenchman at Santee will undertake this. When they are arrived to years of discretion let them study the mathematics. I will that my daughter be taught to write and read and some feminine accomplishment which may render her agreeable, and that she be not kept ignorant as to what appertains to a good housewife in the management of household affairs."

1722  
Ashe's will,  
Off. Sec.  
State

There was but little organized religion among the inhabitants, except alone the Society of Friends. Efforts to build churches and engage pastors of the established Church of England had not been effective. There was generally a missionary or two in the vicinity of Edenton, but sometimes not one was resident in the whole province. An effort had been made to found a library at Bath, and Edward Moseley, whose liberal views had thrown him on the side of the Quakers in what was known as the "troublesome time" of 1708 to 1711, and who was ever among the foremost in patriotic works, had presented a well-selected library to be kept at Edenton, setting an excellent example of practical philanthropy, which, however, neither Pollock nor Eden nor Gale nor any of his wealthy antagonists was inclined to follow.

Few  
ministers

Libraries.  
C.R., II, 583

Dr. Brickell, writing in 1731, says: "The want of Protestant clergy is generally supplied by some schoolmaster, who reads the liturgy and then a sermon. Next to the Quakers the Presbyterians are the most numerous. They have had a minister of their own for many years, chiefly along the Neuse"; while still earlier there had been some independent preachers, who claimed neither holy orders nor affiliation

Denomina-  
tions





1729

The  
Baptists  
N. C. Bapt.  
Hist. Papers

with any organized church. Mostly around Bath clustered the Roman Catholics, who had a clergyman of their own.

The first Baptist congregation was organized about the time when the proprietary rule was drawing to its close. "In 1727 the Baptists organized a single church, now known as Shiloh, in Camden County." Two years later Everard, writing to the Bishop of London, said that when he first came over, in 1725, there were no dissenters except Quakers in the government; but now Paul Palmer, the Baptist teacher, had gained hundreds; and he asserted that the Quakers and Baptists were then flourishing among the North Carolinians. He mentions that there was at that time not a single clergyman in the province, meaning of the Church of England, while the Quakers and Baptists were very busy making proselytes and holding meetings daily in every part of the government. There was no ground for any friction among the people on the score of religious differences.\*

C. R., III,  
48

Industries

The industries were very limited. Besides farm work, there was some shipbuilding, for early in the settlement a colony from the Bermudas had begun that as an occupation, and it had been continued without interruption. Mention was made of a young man being brought from Virginia to be apprenticed in Albemarle to learn the shipbuilding trade, and Matthew Rowan came from Ireland to build a ship or two for some persons in Dublin. The building of ships was one of the established industries of the colony.

C. R., II, 241

Population  
C. R., III,  
433

In the whole province there were in 1729 about 30,000 inhabitants; for four years later, in 1733, allowing for about 1000 immigrants coming in subsequent to his own arrival, Governor Burrington estimated the whites at 30,000, the negroes at 6000 and the Indians at 800.

Social  
conditions

With such a small population, many very poor and expending their energies in clearing fields and in building cabins for temporary abode, each family measurably dependent on its own labor and resources, as hired help must necessarily have been scarce, there could be but little expectation of those social conditions that are developed in a

\*In 1729 an act was passed that apparently gave to the freeholders in each parish the right of electing the vestrymen.



long-settled and concentrated community. But the colony was on the eve of a fuller development at the very time that the Proprietors conveyed their interest to the Crown. The opening of the Cape Fear River to settlement, giving a very fair port to the colony, was followed by a considerable immigration to that section, which soon became of greater importance commercially and industrially than the more northern portion of the province.

Dr. Brickell, in his "Natural History of North Carolina," written about 1731, mentions incidentally that New Bern "has but few houses or inhabitants; Hancock Town, on the northwest branch of Neuse River, about two hundred miles from its mouth, formerly an Indian town, and where they had a fort in time of war; Beaufort is small and thinly inhabited; Brunswick has a great trade, a number of merchants and rich planters." Of the Indians he gives some account. Those that lived near the settlement numbered not over fifteen hundred or sixteen hundred, including women and children. There were three kings—King Blount, King Durant, King Highter. "They pay tribute once or twice a year. The women make the corn, the men hunt. They live in wigwams, except the civilized kings, who have houses. The Indians, being of several nations, have different customs. Some are civilized and are very serviceable to the planters, hunt and fowl for them, make weirs, assist in planting corn, etc. Many also speak English. There was formerly a nation called the Pasquotanks, who kept cattle and made butter, but at present none have cattle." He mentions that there were "no Muchapungoes or Coranines to be met with at this day, 1731. The Saponas live on the west branch of the Cape Fear; the Toteros are neighbors to them; the Keyaweels live on a branch of the Cape Fear that lies to the northwest." He also states that "the Indians have a great aversion to the negroes, and kill them when they find them in the woods." He made an extended journey to the western part of North Carolina on an embassy to the Indians inhabiting there. Two or three years later Burrington mentioned that the smaller tribes, who had resided near the settlements, had entirely disappeared.

1731

The  
Indians



# THE FOURTH EPOCH—1729-65

## NORTH CAROLINA AS A ROYAL PROVINCE

### CHAPTER XVIII

#### BURRINGTON'S SECOND ADMINISTRATION, 1731-34

The Board of Trade.—The seal.—Everard's enemies.—Burrington appointed governor.—The province during the interim.—Burrington arrives.—Opposition to the royal instructions.—The first royal Assembly.—Matters of controversy.—Currency act declared void.—The quit rents.—Fees of officers.—The Assembly affronted.—The basis of political action.—Burrington's instructions.—He dispenses with the Assembly.—Appoints new councillors.—Schoolmasters.—The general court.—The governor erects new precincts.—His action disregarded.—New conflicts.—Burrington's arbitrary conduct.—He is removed.—The second Assembly.—Chief Justice Little arraigned.—The governor addresses the house.—The third Assembly.—Burrington attempts to vindicate himself.—He rules without council or Assembly.—The difficulties of the situation.—Altered patents.—His opinion of the people.—Controversial documents.—His progressive action.—Dividing line between the Carolinas.—Landgrave Smith's grant.—Questions settled and unsettled.—The province grows.—Religious conditions.—The last Assembly to meet Burrington.—No act passed during his administration.

#### The Board of Trade

South Carolina had been a royal province several years when, upon the transfer of seven of the proprietary shares of Carolina to the king, the administration of public affairs in North Carolina was likewise assumed by the Crown. The management of the province now fell to the care of the commissioners for trade and plantations, a board of the Privy Council restored, after a lapse of twenty years, in 1696, and at this time composed of the Earl of Westmoreland, P. Dominique, Thomas Pelham, Edward Ashe, Martin Bladen, W. Cary, Sir Oliver Bridgman, and Sir Thomas Frankland. To this board was committed the determination of all administrative questions relating to the colonies.

1729

C. R., III,  
20, 25





the governors being appointed on its recommendation by the king and council, and the chief officers, although designated by it, also being commissioned by the Crown.

The original seal of the county of Albemarle had been continued in use as the seal of North Carolina, while the Lords Proprietors had the great seal of their province of Carolina at London. This seal, adopted shortly after the royal grant was made, bore on one side of it a scroll, on which were sketched two well-filled cornucopias supported by two Indians, together with legends and heraldic ornamentation. Upon the transfer of dominion to the Crown, a new seal becoming necessary, the commissioners adopted one similar to that of the Lords Proprietors; the two figures and the cornucopias were preserved, but now the devices represented Liberty presenting Plenty to the king; and this seal, with some slight alterations, has continued to be the great seal of the State of North Carolina.

Notwithstanding the sale, Sir Richard Everard might have been retained as governor; but if there was a disposition to continue him in the administration his enemies succeeded in rendering it impossible. The contest between them was a bitter one. Everard, perhaps in view of the change, had broken with Gale and his son-in-law, William Little, and throwing himself into the arms of the popular party, had ascribed all of his delinquencies to the bad advice of those men, his former friends, whom he now denounced in unmeasured terms. They, on the other hand, hastened to make representations and prefer charges against him that destroyed the possibility of his retention. They alleged that he was a party to frauds in the issuing of land grants to the disadvantage of the king; that he was arbitrary, tyrannical and violent in his conduct; and, moreover, that he was disaffected toward the reigning house—that he had hailed the death of George I in 1727 with joy, declaring, "Now farewell to the house of Hanover"; and especially that he had been concerned in the Preston rebellion, the rising at Preston in favor of the Pretender in 1715. Before this last allegation was made public in the colony, Edmond Porter, who had returned to North Carolina in 1725 and was now judge of admiralty, was industrious in befriending

1729

The seal  
C. R., III,  
79, 119

Everard's  
enemies  
C. R., III, 5

C. R., III,  
2-4, 31



1729

C. R., III,  
18, 49

Everard; and particularly he represented to the Secretary of State, the Duke of Newcastle, that Everard, upon learning of the purchase by the Crown, had given written orders that no more patents for land should be issued until new instructions should be received; but that Lovick, the secretary, and Moseley, the surveyor, were disobedient and had utterly disregarded the governor's positive orders. But Porter himself had been accused of having participated in the same rising, after he had fled from Albemarle on the suppression of Cary's adherents, and when this charge was made against the governor Porter quickly withdrew his support. Indeed, as soon as Everard's loyalty was called in question every friend fell away from him, and the charge proved fatal to his hopes.

#### **Burrington appointed governor**

C. R., III,  
66

Burrington, who had continued to reside on his Cape Fear plantations, now hastened to England to press his own claim: and with all the documents with him, he was able to clear himself of the defamatory allegations Gale and his party had formerly made against him, and he succeeded in securing the prize. In the fall of 1729 it was decided that he should be appointed governor, and the next January his commission was signed; but his instructions were not finally prepared until December, 1730, when he took his departure for Carolina.

C. R., III,  
85

1730

Being directed to recommend officers, he desired that the following persons should be of his council: James Jenoure, surveyor; Robert Halton, Edmond Porter, John Baptista Ashe, Eleazar Allen, Matthew Rowan, Cornelius Harnett, and John Porter; also James Stallard and Richard Evans, who, however, never came to Carolina. Burrington would make no recommendation for chief justice and secretary, leaving their selection to Colonel Bladen, who designated for chief justice William Smith, a young barrister of London; and for secretary, Nathaniel Rice, his own son-in-law; while John Montgomery was later appointed attorney-general.

The  
province  
during the  
interim

When information was received in the colony of the purchase by the Crown, in the absence of particular directions,



there was some cessation of the exercise of governmental functions. The legislature held its session as usual in November, 1729, and with Everard's assent passed several acts, particularly one for the issue of £40,000 of paper currency; and presently there was unusual activity in locating blank patents, which had long since been issued, and some of them without the payment of any purchase money. But the chief justice ceased to hold courts and the members of the council did not attend the governor when he called a meeting of the board. So it happened that for two years previous to Barrington's return no general court was held, nor any Assembly for eighteen months, while some of the precinct courts had likewise suspended their sessions, and there was a general arrest of the operations of government. The condition was one tending to anarchy, but the people were busy and there were no riots nor serious disturbances. Still it was desirable to re-establish at once the regular and orderly administration of justice and to have the Assembly convene to meet the new governor and recognize the changes produced by the purchase and prescribed in his instructions.

1729

C. R., III,  
145C. R., III,  
142

On reaching Edenton toward the end of February, Barrington, together with several of his new councillors, took the oaths of office and immediately issued writs for the election by the freeholders of an Assembly, which was called to meet on April 13th, and ordered a general court to be held at Edenton on April 1st. When the court met the grand jurors for the entire province made a loyal address to his Majesty the king, reciting that as it was the first court held since the purchase, they took the earliest opportunity to express their devotion to his Majesty; and then they thanked the king for the appointment of Barrington as their governor.

1731  
Barrington  
arrives  
C. R., III,  
134, 142

It is to be observed that neither Moore, Moseley nor Swann had any share in the administration. It is said that Barrington had quarrelled with Moore about the location of his patent for five thousand acres of land, he proposing to locate it on the rich lime lands at Rocky Point on the northwest branch of the Cape Fear; but Moore had preceded him and had taken up those lands himself, so that Barrington, disappointed and angry, was obliged to content himself with

Opposition  
to the  
royal  
instructions





1731

lands at Stag Park, several miles higher up that river. This, together with other causes of difference, led to personal antagonism between Burrington and Moore's connections; but there was no opposition manifested to him immediately on his arrival. Doubtless the leading inhabitants felt a keen interest in the changes that would probably attend the purchase by the king, and they waited developments with anxiety. Just before the Assembly was to convene, in April, Ashe arrived at Edenton from the Cape Fear to attend the council, and the tenor of Burrington's instructions<sup>1</sup> became known. Until then all had been agreeable at the council board; but Ashe immediately began to oppose the governor, and endeavored by "false reasoning and fallacious argument" to impose upon the judgment of the other councillors. Unsuccessful at first, he soon gained the chief justice and Edmond Porter to join him. And after the Assembly met, it was not long before the members of that body were also earnestly co-operating with him.

C. R., III,  
331

#### The first royal Assembly

Moseley was the speaker. The governor at the opening of the session presented a written address, for the kind terms of which the Assembly resolved to return him thanks; and then they began the consideration of the matters called to their attention in the address. Among these recommendations was one to appoint an agent to look after the affairs of the province in England, which later was acted on by a subsequent Assembly, and this channel of communication with the authorities at London eventually became highly important; another was to prevent the depreciation of paper currency, and still another to establish a new town on the Cape Fear, and to appoint commissioners for that purpose. This last proposition ignored the town of Brunswick, which Moore had laid out in 1725, and which had become a mart of commerce and had been made two years before the seat of government for New Hanover Precinct; and it was a direct blow aimed by Burrington at Moore's interests.

C. R., III,  
287, 296Matters of  
controversy  
C. R., III,  
268, 331

Three days later Speaker Moseley and some other leading members of the house waited on the governor and asked him if he would not ratify the currency act and some other



laws whose validity was in doubt, as they had been assented to by Governor Everard after the news had been received of the purchase by the Crown. This Burrington not only refused to do, but he declared the currency act was a nullity; and to show that he disregarded it he appointed William Smith, the new chief justice, treasurer of the province in the room of Edward Moseley, who was appointed treasurer in that act. This the Assembly resented, and it hotly represented that the province already had a treasurer with whose ability and integrity they were very well satisfied; and who, having been appointed in an act of Assembly by the governor, council and Assembly, could not be removed but by the like power. The governor, a majority of the council adhering to him, replied that Moseley was indeed a person of sufficient ability, "and we heartily wish that his integrity was equal to it"; and as to his appointment they said "the act of 1729, by which he was appointed, is void," that being the act under which all the paper money then current in the province had been issued. This attack on the speaker, involving also the validity of the currency, led to a declaration by the Assembly that Moseley's "integrity was equal to his abilities," and that the act of 1729 was not void; and even if it should be disallowed by the king, Moseley's appointment was also under previous acts, whose validity was unquestioned.

1731

C. R., III,  
268, 302

In Burrington's instructions reference was made to the large amounts of quit rents that were many years in arrears in Carolina at the time of the purchase, and the king offered to remit those arrearages if the Assembly, in an act on that subject, would require all grants to be recorded in the office of the receiver or auditor, so that a perfect rent roll could be made out, and would further require the payment of rents to be in proclamation money, and that fees should be paid in proclamation money also—that is, in current specie of foreign coinage the value of which was ascertained and fixed in sterling money by proclamation of the Crown.

Currency  
act declared  
void

Referring to this offer, the Assembly informed the governor that while the rents were largely in arrears in South Carolina, they had been regularly paid in this province, and that the king's offer was of no interest to the inhabitants

Quit rents  
C. R., III,  
294



1734

of North Carolina; yet it passed a bill requiring all future grants to be recorded in the receiver's office, and offered to pay the quit rents in tobacco or other products or in bills at some small discount; but the Assembly would not agree to make payment in specie at all. The governor insisted that the rents were payable in sterling money, and that he and his council were authorized to regulate the fees.

Fees of  
officers  
C. R., III,  
297, 308

These fees had, by an act of Assembly, for twenty years been payable in paper currency at its face value, but the governor, basing his action on his alleged instructions, had already ordered that the officers should not be required to receive the bills unless at the rate of four for one, a change that increased the fees fourfold. To this matter the Assembly now adverted, declaring the practice of exacting "four for one" illegal and an extortion, and asked the governor to issue a proclamation forbidding it.

C. R., III,  
300

Burrington was a man of very strong characteristics, doing nothing by halves. He was vain, proud, arbitrary and violent, intemperate in his conduct, and entirely self-reliant. Indifferent to others, when aroused he worked his will with passion, and, heedless of consequences, struck his opponents with a strong hand. He himself had authorized this practice which the house characterized as extortion; and full of indignation, he sent a message to the house: "For my own part, I cannot refrain from telling you that whoever the person was who formed the said paper of complaint, I compare him to a thief that hides himself in a house to rob it, and, fearing to be discovered, fires the house and makes his escape in the smoke." Thereupon the house replied that "the complaint was the unanimous voice of the whole house, no member dissenting, and that they regarded that such treatment of any member was a great indignity and contempt put upon the whole house, and a breach of privilege."

C. R., III,  
265

And now the breach between the governor and the assembly was beyond healing; he had not only insulted the speaker, but had affronted the house. Whatever chance there had been to lead the Assembly to observe his instructions had been destroyed by his ill-temper, and his opponents had triumphed. Divergence of views might have been





expected, but mere differences might to some extent have been reconciled by a conciliatory policy, while now adjustment had become impracticable.

The position of the leading men in the province was substantially that the purchase by the king of the proprietary shares carried with it only the rights of the several Proprietors and worked neither alteration in the constitution of the province nor in the rights and powers which the people and the Assembly had immemorially enjoyed, and the house was resolved to maintain its privileges. Still there was an inclination, in so far as it might be proposed, to put the Assembly on the footing of Parliament, and to concur in changes tending to that end. But Burrington could not brook opposition, and at length, on May 17th, after a stormy session of five weeks, during which no bill carrying out any of the governor's instructions was passed, he wearied of the contest and prorogued the Assembly until September. Thus ended the first session, with Burrington baffled and the opponents of any constitutional changes brought somewhat into harmonious action. At the first, the situation being novel and the ground untried, the leaders in the council as well as in the house had to feel their way and carefully weld their associates into an organized opposition; but before the house separated they had reached safe ground, and the position of the leaders came to be well understood and sustained by the people.

The basis of political action

C. R., III,  
262, 264

MAY, 1732  
C. R., III,  
324

#### Burrington's instructions

Among Burrington's instructions was one limiting suffrage to freeholders, whereas before all freemen could vote. Another was that in all acts for levying money express mention should be made that the money was granted to the king; and no money was to be levied which was not liable to be accounted for to the king. Others were that all officers were to be appointed by the governor and council, and this the governor held to embrace the treasurer; that all quit rents and fees should be paid in proclamation money; that the governor should not assent to any bill providing for the issue of paper currency unless it contained a clause declaring that it should not take effect until approved by

C. R., III,  
93, 100, 103



1731

the king; and that no public money should be disposed of except by the governor's warrant approved by the council, the right of the Assembly to direct payment without the governor's consent being denied.

There were other instructions relating to the quantity of land that might be taken up and to the payment of quit rents, at variance with the Great Deed of grant; and that old instrument, which had been authenticated by Governor Archdale in 1695 and then recorded, and which had been delivered to Richard Sanderson for safe keeping, was produced in the house and committed for preservation to the care of the speaker; and a direction was made that it should be formally brought to the attention of his Majesty the king, with the hope that he would not disregard it.

School-  
masters

Among other instructions that, however, were not germane to the antagonisms then raised was one in regard to schoolmasters: "And we do further direct that no schoolmaster be henceforth permitted to come from this kingdom and to keep school in that our said province without the license of our Lord Bishop of London, and that no other person now there, or that shall come from other parts, shall be admitted to keep school in North Carolina without your license first obtained." And another, that touched the king's private purse, was for the particular benefit and advantage of the Royal African Company, "who were to bring in a constant and sufficient supply of merchantable negroes at moderate rates."

C. R., III,  
116The  
general  
court

To hold the general court in April the governor had appointed three assistants to sit with the chief justice, as had been the custom in proprietary times, and when the Assembly was considering a court bill requiring that a general court should be held four times a year in each of the counties, apparently there being a proposition to erect a third county, inquiry was made by the house as to the judicial power of these assistants, and the governor and council replied that they had no judicial power whatever; but a few days later the governor changed his opinion and held that they had an equal voice in determining all questions with the chief justice, a position that seemed at variance with the powers and rights conferred in the commission of the chief justice,

C. R., III,  
237, 310, 322C. R., III,  
241



signed by the king himself, and which was so derogatory to the authority and station of the chief justice that Smith regarded it as a personal affront, and three days after the Assembly was prorogued he resigned his seat in the council, and a bitter feud sprang up between him and the governor. A few days later, after conferences with the leading members of the Assembly, in which he undertook to represent their grievances to the Crown, he left for England, declaring that he was going to have Burrington displaced; and, because of his absence, John Palin was appointed chief justice by the governor and council, the councillors present being only John Lovick and Edmond Gale, whom the governor appointed that day for this special purpose.

1731

C. R., III,  
239

### Burrington dispenses with the Assembly

In November, an election having been held under the biennial act in September, a new Assembly met at Edenton, but the governor at once prorogued it to meet in March, saying that he had made representations to his Majesty about the obstructive conduct of the last Assembly, and had asked for further instructions, and until they were received he himself would take care that the business of the province was transacted.

1731

C. R., III,  
253

When he realized that his old friends were alienated and that he could not control even the majority of those councillors who were in the province, Burrington cast about to strengthen himself by attaching the other faction to him. In July he called a council at Edenton, which because of the distance from the Cape Fear was attended only by Surveyor-General Jenoure and Edmond Porter, some of the other councillors not being in the province. The situation did not, according to the terms of his instructions, warrant his appointing new councillors; but he was animated by a purpose to strengthen himself and to weaken the opposition, and with this view, he appointed John Lovick and Edmond Gale councillors, persons whom he had previously denounced as being utterly unworthy of any public station; and these being facile, he began to oust those councillors who were disagreeable to him.

Appoints  
new  
councillors

July, 1731

Beginning with Edmond Porter, who had formerly been





1731

C. R., III,

412

his close friend, but who was now not only in the opposition, but was at bitter enmity with Gale and Little, he heard charges brought against him by Little and suspended him as judge of admiralty, and turned him out of the council; and he appointed Gale to the vacant judicial position. He next cited Cornelius Harnett to answer because of a debt Harnett and Rev. Mr. Marsden owed to the captain of a vessel which had been wrecked, and whose damaged cargo they had bought; and he succeeded in forcing Harnett to resign. With Ashe, who the governor declared "was altogether bent on mischief," he had more trouble. Ashe would not resign, and a notable conflict ensued between them. But for a time Burrington had entrenched himself securely in the council and could control the appointment to vacancies.

C. R., III,

332

#### The governor erects new precincts

Nov., 1731

The governor and council assuming the power to lay off precincts, their authority to do so was strongly contested. However, they erected the precinct of Onslow and that of Edgecombe, extending from Roanoke River to the north-east branch of the Cape Fear; and also, in November, 1732, Bladen, although at that time it was said that there were not three freeholders nor thirty families in Bladen, and not many more in Onslow. That such a power resided in the governor and council was denied as being a derogation of the rights of the Assembly, and not only a violation of the Fundamental Constitutions, which it was asserted had been accepted by the people of North Carolina in 1669 and also in 1698, but against all the laws and established precedents; for though at different times the governor and council had laid off precincts, such as New Hanover, in 1729, yet the legislature had afterward passed acts establishing them and fixing their representation.

May, 1732

C. R., III,

417, 450

C. R., III,  
439, 450, 451His action  
disregarded

Not only were those who proposed to maintain the vested rights of the people antagonistic to this claim of authority by the governor and council, but they paid no attention to his instructions and proclamations that only freeholders should vote for members of the Assembly, and, in utter dis-



regard of his directions, all freemen were allowed to vote as formerly.

1732

Constantly circumstances brought about some new occasion for either personal or official conflict between the governor and his adversaries. The chief justice, Smith, had already gone to England threatening to obtain his removal, and Burrington apprehended that Colonel Bladen was aiding and fostering this design with the hope of securing the appointment of his own son-in-law, Rice, as his successor. About twenty men from South Carolina had settled on the Cape Fear, among them three brothers of a noted family named Moore, all of the set known as the Goose Creek faction, "always very troublesome in that government," who the governor had been told would expend a great sum to get him turned out; and between them and Moseley on the Chowan messengers were constantly passing. However, notwithstanding all menaces, he was not terrified, "but acted with such resolution and firmness that the province was soon put in a quiet condition and has so continued without any imprisonments or persecutions." Such was Burrington's declaration a year after his arrival; but his unwisdom raised him enemies in London, while his arbitrary course embittered his opponents in Carolina. Eight months after he assumed the government he wrote to the Board of Trade that Ashe had intended to go to England to cooperate with Smith for his removal, but as he had not gone "Baby Smith will be quite lost, having nothing but a few lies to support his cause, unless he can obtain an instructor from a gentleman in Hanover Square." The following June the Board asked him to explain that reference, and he avowed in a rambling letter that it was meant for Colonel Bladen. The compliment paid to Colonel Bladen by naming a precinct in his honor was hardly sufficient to atone for such an indignity.

New  
conflictsC. R., III,  
333C. R., III,  
370

And if in February Burrington could applaud himself for not having resorted "to imprisonment and persecution," by March his mild behavior had given way to more arbitrary inclinations. He had issued a direction that no one should be allowed to practise law unless licensed by himself; and doubtless an attorney's oath was exacted of all who applied

Burrington's  
arbitrary  
conduct  
C. R., III,  
350, 375, 504



1732

Moseley  
imprisoned

for a license. Moseley had been licensed to practise in 1714, and was a lawyer of twenty years' standing, although in late years he had retired from the business. However, in March, 1732, he did appear for Edmond Porter; and while with his hand on the book to take the oath, the governor in a great rage ordered his arrest and threw him into prison, presumably for appearing as an attorney without the governor's license. At the next term of the court, in July, Moseley hazarded a remark on a legal question to the chief justice in court; whereupon the governor again ordered the sheriff to commit him to jail. On habeas corpus before the chief justice and full court an order was quickly made for his release; but the governor was indignant at the proceeding, claiming that the court ought not to release within twenty-four hours any one whom he had ordered to prison; and he so abused Palin, the chief justice, whom he himself had but recently appointed, that that officer resigned, and William Little, Gale's son-in-law, was appointed to the position; and all the associate judges resigned and a new set was appointed. Palin's resignation, however, did not deter the governor from again pressing the court to do duty in his behalf. On Old Town Creek, a few miles above Brunswick, Ashe had a plantation, while Burrington had one on Governor's Creek, lower down. There was a question as to the ownership of two mares which Burrington's servants had, under his orders, branded with his mark and taken into possession. Ashe brought an information before the general court at Edenton and claimed the mares as his property, and also claimed the penalty which the law prescribed for branding stock belonging to another. Burrington thereupon had him arrested for his "scurrilous libel," and caused the warrant to be returned before himself and Judge Owen, who exacted the bond Burrington suggested, being £1,000, which Ashe deemed excessive and would not give. On habeas corpus before the chief justice, Little refused to examine into the cause of the commitment, but the bond was reduced one-half, even that being a heavy bond; and it was alleged that these proceedings were contrived to prevent Ashe's departure for England, where, at the request of many, he was going to secure a redress of grievances.

Oct., 1732  
C. R., III,  
375, 376, 378,  
379, 423, 517Ashe  
arrested





In the meantime representations had been made to the Board of Trade of Burrington's oppressive and lawless conduct, and before he had been in office two years his removal was determined on, and in March, 1733, Gabriel Johnston was commissioned by the king as his successor.

1733  
C. R., III,  
534

### The second Assembly

Not realizing that the Board of Trade might be persuaded to disregard his representations, and conscious of his purpose to rule well if not wisely, Burrington did not deviate from the course he had marked out for himself with reference to those who did not sustain his administration. Brave, bold and self-reliant, he was always candid. There was in his disposition no element of craft or dissimulation. He thought he knew what would best promote the development of the province, and he sought to carry into effect his views regardless of opposition. He thought he knew what his instructions required of him, and he resolutely undertook to obey their tenor. Finding the Assembly at points with him about the payment of quit rents and fees, he applied for additional instructions, and avowed his purpose to have no Assembly until those instructions were received. Eventually, toward the end of March, 1733, the long delayed answer came to his request, and he at once ordered an election to be held in May for assemblymen to meet in July. When the body convened he explained that his new instructions were similar to the first he had received. Moseley was again the speaker, and in his reply to the governor's speech he dwelt on the impracticability of paying the quit rents in specie, and denied that they were payable in sterling money, as now claimed. Originally he asserted they were payable in produce, and when paper money was issued a law was passed that this paper currency should be good for all payments except alone for the purchase of land, for as to that the Lords Proprietors had always exacted specie. The lands in Albemarle were never sold, while some in Bath County were granted on quit rents alone and others were sold for specie, reserving a much lower quit rent in addition to the purchase price; and the house insisted that the Assembly of 1731 had offered to his

July, 1733

C. R., III,  
561

Quit rents



1733

Majesty all they could do in regard to the payment of rents. As for the disuse of the Assembly, it said there were other matters requiring the attention of the governor than the quit rents; among them not merely exorbitant fees taken by the officers, but the perversion of justice by evil and wicked officers, especially by Chief Justice Little and his associates on the bench.

Chief  
Justice  
Little  
arraigned  
C. R., III,  
587

This grave charge against the chief justice at once brought a reply. Little in a long and caustic letter petitioned the governor and council that since they could not try him as a court, they would examine into any charges made against him and ascertain whether or not he were unfit to be a councillor; for he admitted that if he were guilty of perverting justice he ought to be removed from the council board. This paper being communicated to the house, it was referred to a committee, and the house temporarily proceeded with its other business. There were several new points on which quarrels now arose with the governor. The house would not recognize the new precincts of Bladen, Onslow, and Edgecombe, erected by the governor and council, and would not admit the members elected in them. It had some of the officers appointed by the governor arrested and brought to its bar for misconduct; and finally it cited several officers, among them the chief justice, before it to answer why they had exacted in payment of their fees four times the amount in currency which the law had fixed.

C. R., III,  
562

The  
governor  
addresses  
the house  
C. R., III,  
598, 603, 604

At length, on the fourteenth day of the session, the committee on Little's petition reported that it contained scandalous expressions reflecting on the dignity of the house, and he was ordered into custody to answer for affronting the house. Matters had now reached a serious pass, and the governor intervened to protect his officer. He sent an address to the house sustaining Little, assuming that the particular charge against him was taking fees at four for one, which the governor himself had directed and which had been done by Chief Justice Smith prior to Little, and who, having just returned from England, had been gratefully thanked by the Assembly for his services abroad.

This assumption of the governor that the only charge against Little was the taking of improper fees led to a fierce



arraignment of the judicial action of the chief justice while on the bench, and brought forward the governor's own conduct in regard to the imprisonment of Ashe and with reference to Porter. The governor in his turn gave a loose rein to his anger and vehemently defended himself and assailed the house; and then, not a single law having been passed, he dissolved the Assembly.

1733

July, 1733  
C. R., III,  
608, 611

### The third Assembly dissolved

The regular election for an Assembly was held in September, and in November the house met at Edenton; but there was no quorum of councillors to make another house, so after waiting several days, the governor had the members to attend him and dissolved the Assembly. But before parting with them, however, he read a long paper in vindication of his conduct from the aspersions of his enemies. In June he had applied for leave to return to England, having doubtless heard that a successor had been appointed to his office, and feeling that there was no longer any occasion to fight the battles of a government that did not sustain him. The address he now made was therefore couched in very different terms from any of his former productions. It was a manly, sensible address, and his moderation must have disarmed enmity and won him friendly sympathy. It put many of the complaints against him in a different light from what the circumstances were made to bear when pressed by his adversaries; and it rather sustained his opinion that some at least among those whose bitter hostility and antagonism he had aroused "were subtle and crafty to admiration."

Nov., 1733

C. R., III,  
613-622

Change of  
tone

For nearly a year ensuing Burrington conducted public affairs with neither an Assembly nor a council. He himself had a long and dangerous illness, some of the council died and others left the province. Rice, who at one time when Burrington was absent from the province, being the senior and ranking member of the council, was sworn in as president of the council, was suspended by the governor on his return, because of "villainies," as was also Montgomery, another "villain." Halton neglected to attend for two years, and Ashe, who died in the fall of 1734, had not attended for more than twelve months. Everard also was dead, and so

Oct., 1734  
C. R., III,  
627, 628





1734

The plot  
against his  
life  
C. R., IV,  
165

was Chief Justice Little. To succeed Little, Daniel Hanmer was appointed, notwithstanding Smith had returned from England and was ready to resume the functions of his office. At length a collision took place, the final result of which produced unexpected consequences. The details of it are obscure. Burrington claimed that Smith, Rice, Montgomery and some of their confederates attempted to assassinate him by shooting at him with pistols, and that he would have been murdered if some courageous men had not come to his assistance and rescued him. Bills of indictment were at once found against these councillors in Hanmer's court, and they fled by night to Virginia, where they continued until Governor Johnston landed in North Carolina. These proceedings threw the province into new confusion and disorder during the last months of Burrington's administration.

It was Burrington's misfortune to have been the first governor appointed to establish in the province those changes which the Board of Trade deemed necessary upon the purchase by the Crown. In an attempt to carry out their directions any one would have met with embarrassment and been confronted with all the opposition that the popular leaders could lawfully make; but more than that, Burrington had troubles that another person of a different temperament might have avoided. He was embroiled personally with the Moores and their kindred, with Moseley, Porter and Swann, because of conflicting interests and disputes about land; and many of his personal difficulties grew out of his antagonism with those men.

Altered  
patents

C. R., III,  
502

Without doubt there had been some abuses in regard to the issuing of patents and the location of blank warrants. For instance, Edmond Porter alleged that Burrington himself in 1725 obtained a warrant issued in 1711 for six hundred and forty acres of land in Albemarle, charged with a quit rent of two shillings sixpence, and altered it to a Bath County purchase warrant for five thousand acres at sixpence quit rent, and located it at Burgaw. The grant, which is recorded at Beaufort, seems at least in part to sustain Porter's assertion, for it is based on a warrant issued in 1711, when grants for five thousand acres were not allowed, and when no entries were permitted on the Cape Fear at all.



Other such warrants, bearing internal evidence of having been issued in 1711, located on the Cape Fear, might well lead to an erroneous impression that there had been an attempted settlement on that river about that time. The use of blank patents had been general in all sections of Bath County, and any attempt to destroy the validity of titles based on them would necessarily lead to violent antagonism; and later Governor Burrington himself successfully argued before the Board of Trade that these grants were not to be disturbed.

1734

As for the various affairs in which Burrington was made to appear at a disadvantage, there were probably two sides to most of them—as in his conflict with Ashe about branding the mares, which presents quite a different appearance when Burrington gives his version of the circumstances.

C. R., III,  
617

His own opinion of the people, expressed in a letter to the Board of Trade a year after his arrival, was that "the inhabitants of North Carolina are not industrious, but subtle and crafty to admiration; always behaved insolently to their governors; some they have imprisoned, drove others out of the country; at other times, set up two or three supported by men under arms. All the governors that were ever in this province lived in fear of the people (except myself) and dreaded their assemblies. The people are neither to be cajoled, nor outwitted. Whenever a governor attempts anything by these means he will lose his labor and show his ignorance. They never gave the governor any present except Sir Richard Everard. With him they agreed for £500 in bills to pass the pretended laws in 1729, in the name of the Proprietors, when he was shown the act of Parliament of the king's purchase. It must be allowed, were these acts valid, the assemblymen made a good bargain for the people they represented."

His opinion  
of the  
people  
C. R., III,  
338

These ideas of the characteristics of the people furnish some key to Burrington's conduct. The crafty people seem to have withstood him, but he had the resolution not to quail before them. There was, indeed, no duplicity in his actions, either in his private quarrels or his public controversies; and had it not been for his infirmity of temper, notwithstanding the zeal of the popular leaders to prevent unconsti-



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tutional alterations in their government, his relations with them might have been on a more pleasant footing. Still, contests must have necessarily arisen, for he candidly avowed that the people should be curbed, and he urged a repeal of the biennial act, saying that "that act must be repealed before the people of this country can be brought into a good subjection"; and also the repeal of the act appointing treasurers to the precincts, who he claimed had the local influence to control the assemblymen; and the necessity of taking the power of the purse away from the Assembly.

Controversial documents  
C. R., III,  
325, 356, 375,  
450-457

His position on these subjects alone was quite sufficient to array the people strongly against him. As these and other such questions involved the constitution of the province, their discussion led to historical research of much interest, and the papers written on those subjects not only throw much light on the obscure history of the province, but are highly creditable to the authors. Particularly noteworthy is that of Rice and Ashe on the constitution of the province, while those that relate to Moseley and Porter, some written by Burrington himself, are often strong and full of interest.

If this first administration of a royal governor was a period of violent antagonism, it was also one of patriotic fervor, although the personal controversies were so intermixed with political action that it is difficult to separate them. The basis of it all was a resolute purpose on the part of the leading inhabitants to preserve the constitutional rights of the province; and the contest then begun continued in one shape or another until the connection with the Crown was brought to a close by the Revolution of 1776.

Burrington's  
progressive  
action

Still, in many respects Burrington's career gives indisputable proof that he sought to promote the progress of the province. He made journeys to every part of the inhabited country, examined the roads, urged the construction of bridges, sought to organize the militia on a good footing and to raise the standard of the precinct courts; and he urged an extension of the general courts. He explored the harbors and caused charts to be made of Ocracoke, Beaufort, and Cape Fear inlets, the only ones of use to the commerce

C. R., III,  
272, 435





of the province, and he otherwise endeavored to render his administration serviceable to the inhabitants; but perhaps the best service he rendered was in deferring the running of the line as proposed between North and South Carolina, which, if once established, would have given to South Carolina a large part of our interior territory, which the South Carolinians coveted, for the directions at that time were to run the dividing line thirty miles distant from the Cape Fear River up to the head of that stream and then a due west course.

1734

C. R., III,  
214, 372, 435

The South Carolina authorities claimed that the Cape Fear River itself was the dividing line, and in support of that view they asserted that grants issued by that government had been located on that river. It does appear from a deed made by Schinking Moore to Richard Eagles, March 14, 1763, recorded in the register's office of New Hanover County, that a grant of 48,000 acres of land was issued May 13, 1691, to Landgrave Thomas Smith, and that said Smith and wife Mary conveyed to William Watters 700 acres thereof located on the northeast branch of the Cape Fear River, just above the dividing of said rivers; and on April 21, 1736, Maurice Moore conveyed to Colonel Thomas Merrick a tract of land lying at a place called the Haulover, on the east side of the Cape Fear River, "beginning at Landgrave Smith's corner tree," etc.

Landgrave  
Smith's  
grant  
C. R., III,  
125, 154

Book E,  
New Han.  
Co. Records,  
35, 313

From these conveyances it would seem that Landgrave Smith's tract was located on the Cape Fear River, and its bounds were recognized after the permanent settlement. Roger Moore, who came to the Cape Fear about 1725, married a daughter of the Landgrave, and perhaps the fact that that particular grant was located on the Cape Fear may have in some degree influenced the removal of the Moores, resulting in the permanent settlement of the Cape Fear, which by some of the older residents was spoken of as the third attempt to settle that river.

Many of the questions raised by Burrington in the course of his administration were not settled at that time. At London they were referred to the law officers of the Crown, good lawyers and fair men, who made a thorough examination before delivering an opinion; and often there was long

Questions  
settled and  
unsettled



1734

C. R., III,  
292, 354

delay before the facts could be definitely ascertained warranting a decision. In regard to the validity of the Great Deed, the law office was apparently misled by Mr. Shelton, the secretary of the Lords Proprietors, who declared that it had never been recognized at all by the Lords Proprietors, and it therefore held that the instrument was intended to have only a temporary effect. When this opinion was communicated to Burrington he replied with considerable vigor, urging the same view which the Assembly entertained—that it was a valid grant and contract and could not lawfully be ignored.

C. R., III,  
621

In regard to the validity of the currency act passed in 1729, it was held that all acts passed before Governor Everard had notice of the sale to the king were valid; any passed after such notice were null. But that act being in operation, it was never disallowed or annulled, and the paper currency authorized by it continued to be the chief money used in the province. Other questions remained undetermined; but it appearing that the governor had sat with the councillors when the legislature was in session and had taken part in the discussion and in the consideration of bills, he was rebuked and reminded that as he represented the king, his sole function was to allow or disallow bills that passed the two houses, and that he must not meddle with the Assembly. Such was the custom in England, and the purpose was to conform the province to the customs at home. One of his instructions was, "You shall take care that the members of the Assembly be elected only by freeholders, as being more agreeable to the custom of the kingdom, to which you are as near as may be to conform yourself in all particulars." That idea eventually commended itself to the people, and subsequently they sought to model their legislature after Parliament.

The  
province  
grows  
C. R., III,  
344, 432, 433

In the meantime the province received accessions in population and made progress in importance. While the northern section had grown more populous, requiring the erection of Edgecombe Precinct, there being twenty families on the Tar River alone, the opening up of the Cape Fear proved of still greater consequence. Settlers were locating on both branches of the river; the wealthy South Carolina planters,



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who had removed to the lower portions of the river, had begun the cultivation of rice, while saw-mills were erected and the forests yielded for export tar, pitch, turpentine, staves and plank. Bladen was being settled as well as Onslow. John Maulsby had taken out, about 1731, a warrant for six hundred and forty acres of land opposite the confluence of the two branches of the Cape Fear; and John Watson located a similar warrant adjoining and below that tract; and in 1732 a few enterprising men had for trade settled on Maulsby's entry and called the place New Liverpool, and the next spring Michael Higgins, Joshua Granger, James Wimble and John Watson joined in laying off a town, called New Town or Newton, on the Watson entry, which soon became a rival of Brunswick. Roads had been opened from the Cape Fear to South Carolina, and two roads led to the northward, one by the coast to New Bern and one by Rocky Point to Edenton; while there was easy communication by water with Charleston, with the great sounds and with Norfolk. During one year forty-two vessels had sailed from Brunswick well laden with valuable cargoes. The products had so increased that in addition to those of the forests, and of grain and tobacco, much live stock was sold abroad, many cattle and at least fifty thousand fat hogs being yearly driven to Virginia. Although there had been no great change in the way of church privileges, yet there had been some important ones. John La Pierre, a Frenchman, who had come to South Carolina in 1708, and had officiated on the Santee, had about the year 1727 come to the Cape Fear, where he remained several years. In 1732 Dr. Richard Marsden, who had cast his fortune with the Cape Fear people some four years earlier, had a charge at New River, which Burrington was seeking to promote and develop, and where about one hundred families had settled. For a time Rev. Bevin Granville officiated at Edenton and the surrounding country, where he baptized over one thousand children. In Albemarle there was one Presbyterian minister with a congregation and there were four meeting houses of the Friends. In 1735 John Boyd was employed in the Northwest parish, where he claims to have likewise baptized one thousand infants. In that section he reported "no sects," but lower down the

Religious  
conditionsC. R., III  
43





Nov., 1734 country there were a great many Quakers and Baptists; for Paul Palmer's work was indeed progressing.

C. R., III,  
634 Burrington had applied for permission to return to England, and in expectation of receiving it in October, he filled up the council board by the appointment of a number of new members and called an Assembly to meet him at Edenton on November 6th. When the Assembly met Moseley was again chosen speaker; but former antagonisms seem to have largely subsided.

#### **The last Assembly to meet Burrington**

The governor addressed the Assembly in a conciliatory speech complimenting the members, and "not doubting that they would promote the passing of such acts as are recommended or required in the king's instructions." Moseley, as speaker, returned hearty thanks for his kind speech, and added: "That we are very glad you have conceived so good an opinion of our understanding and capacity to serve this province." In his reply the governor accepted "your answer to my speech very kindly," and assured them that the good opinion he entertained of the wisdom and good intentions of the members was grounded on the real merit he knew they were possessed of; and he wanted them to so act that "this country may have reason to thank us at the end of this session, and their posterity not only to remember us with gratitude, but to bless our memories." As the temper of the governor seemed to be not so arbitrary, the house itself became more complacent. On the second day of the session it ordered a bill to be prepared declaring that only freeholders should vote, agreeably to the king's directions; and they ordered other bills to be brought in establishing the three new precincts, Edgecombe, Onslow, and Bladen; and were proceeding on a line that must have been very acceptable to Governor Burrington when, on November 13th, it was certified by proclamation that Governor Johnston had published his commission on the Cape Fear in open council. Burrington's administration immediately closed. The house proceeded no further in business, but stood dissolved, there having been no act of Assembly passed during the whole period that Burrington was governor.

C. R., III,  
641

No act  
passed  
during his  
administra-  
tion



## CHAPTER XIX

### JOHNSTON'S ADMINISTRATION, 1734-52

Governor Johnston arrives.—Burrington's enemies in the ascendant.—Johnston cordially received.—The Assembly and the governor.—Disagreements.—Wilmington incorporated.—Immigrants.—McCulloh's grants.—Swiss, Irish and Scotch.—The South Carolina dividing line.—Clashing between the governor and the people.—The new Assembly.—The governor appeals for instructions.—Precincts converted into counties.—The compromise.—Progress in the colony.—The chief justice impeached.—He dies.—Edward Moseley chief justice.—The Spanish War.—Expedition to Cartagena.—The decision of the Board of Trade.—The quit rents.—Body of laws.—Blank patents.—The currency.—Governor's salary unpaid.—Matters in dispute settled.—Granville, Johnston, and Duplin counties.—The Scotch migration.—Anson County.—Granville's territory.—The unarmed rebellion.—The two repudiated acts.—The Assembly of 1747.—Northern counties not represented.—They refuse obedience.—Spanish invasion.—Brunswick attacked.—New currency act.—Efforts to displace Johnston.—Local differences.—First printing press.—Yellow Jacket.—The Palatines.—Wreck of Spanish fleet.—The contest between the new and the old counties.—The cessation of courts in Albemarle.—The end of Johnston's administration.—Two treasurers.—Growth at the west.—The Germans and Scotch-Irish.—Orange County.—Explorations by Spangenberg.

#### Governor Johnston arrives

On the arrival of Governor Gabriel Johnston at Cape Fear he was met with great cordiality by the gentlemen of the vicinity, and he lost no time in assuming the reins of government. There had been no change in the list of councillors originally appointed by Governor Burrington, except that on Burrington's recommendation Roger Moore and Cullen Pollock had been selected to fill vacancies, and now Edward Moseley and Matthew Rowan were added to the board. The suspensions and appointments made by Burrington a few months earlier were unknown in London, and were a surprise to Johnston when informed of them. On November 2, 1734, Johnston opened his commission at Brunswick in the presence of the gentlemen of the town and

Nov., 1734



1754

C. R., IV, 1

of councillors Robert Halton, Eleazar Allen and Roger Moore, who had not attended Burrington's board then in session with the Assembly at Edenton. Being informed that Burrington had supplanted many officers illegally, the governor on the day he qualified issued a proclamation commanding all officers, civil or military, who had been removed or suspended to resume their offices and enter again on the discharge of their duties; and Smith, the chief justice; Rice, the secretary; Halton and Edmond Porter at once took their places at the council board.

Burrington's  
enemies in  
the  
ascendant  
C. R., IV,  
77, 81

Hanmer, lately appointed chief justice, and Burrington's other appointees were now roundly and freely characterized as base tools to work Burrington's arbitrary will on deserving gentlemen who had the manhood to disagree with him. The tables were indeed completely turned; and the late governor's enemies being in control of the Assembly as well as of the council, those who had fled the province, ostensibly in fear of their lives, returned in triumph.

Burrington  
goes to  
England

C. R., IV,  
45

Adverting to the disorders that prevailed, Governor Johnston ordered a court of oyer and terminer to be held at Edenton on December 2d, and issued writs for the election of an Assembly, which was to meet on January 15th. His prompt and strenuous action, at once ignoring all courtesy that might have been due to his predecessor and reversing the whole course of the administration, was a bitter humiliation to Burrington, who now left the province with his family and returned to England, where he, however, continued to interest himself in North Carolina affairs.

Johnston  
cordially  
received

About the middle of January the governor in great state made his journey through the counties from Brunswick to Edenton, where he met the Assembly, being received with every manifestation of cordial approbation; and, indeed, the Assembly, generally so parsimonious, made an appropriation of £1,300 to pay the expenses of his equipage on that occasion.

Jan., 1735

Moseley being in the upper house, as the council was now called when acting as a part of a law-making power, in conformity with the disposition to assimilate the Assembly to Parliament, William Downing was chosen speaker of the lower house; and there was a continuation of the same influ-





ences that formerly controlled the action of that body, and the zeal of the representatives to maintain the rights of the people was unabated.

1735

On one point at least the governor, the council and the house were agreed: they found a common ground in their denunciation of Burrington and his appointees. Smith, the oldest councillor, presided over the upper house; and he and Porter and Rice, along with Moseley and Moore, were fierce in their arraignment of the deposed governor and of his profligate tools and accomplices, alleging that they had persecuted and expelled from the province his Majesty's officers, whose lives were in danger, and were only preserved by timely and hasty flight; and the Assembly and Governor Johnston heartily joined in the general condemnation.

C. R., IV, 81

In its first flush of patriotic ardor the Assembly made an allowance to the king of £1,300 for the service of the public in the province, and ordered bills to the amount of £10,000 to be struck off; and passed an act to call in the outstanding paper money, which had been largely counterfeited, and to issue £40,000 of new bills in exchange; also acts limiting suffrage to freeholders, according to the instructions of the governor to conform the Assembly to Parliament; and for establishing the precincts of Onslow and Bladen, allowing them representatives in the house. But notwithstanding this disposition to be on friendly terms with the governor, the old points of controversy again arose to disturb the harmony; and especially was the house settled in its purposes that the quit rents should be paid either in current paper money or in produce on the farms, while the governor, who was sustained by a majority of the council, held that they were payable in specie.

The  
Assembly  
and the  
GovernorC. R., IV,  
150, 154, 155  
S. R., XXIII,  
117Onslow and  
Bladen

#### Disagreement over the quit rents

When Chief Justice Smith was in England he learned that the Lords Proprietors had ordered all enactments of the Assembly to be certified to them, and such as were not confirmed by them were to expire at the end of two years; and as the practice of certifying the acts to the Proprietors for confirmation had fallen into desuetude, he ascertained that of the whole body of laws in the province only six had been

C. R., IV,  
201, 290



1735

confirmed, and therefore he considered that all others had ceased to have legal effect. So impressed was he with this view that he submitted the matter to the law officers of the Crown with a request for instruction; but no decision was reached and no instruction was given at that time on the points he raised.

C. R., IV,  
94

Governor Johnston, however, had no hesitation in agreeing with Smith, and made this view the basis of his position in discussing the quit-rent subject with the Assembly; and a majority of the council also sustained the chief justice and Colonel Halton, to whom the matter of the rents had been referred as a committee, in holding in effect that payments were to be made in silver, and that his Majesty could collect his rents without asking the consent of the Assembly; and, indeed, the conduct of the chief justice was such that in a controversy between him and Moseley, in the presence of the speaker and other members of the house, Moseley, giving way to his indignation, struck him, and was bound over to the general court to answer for the assault.

C. R., IV,  
33

Quit rents

The  
Great Deed

The governor, who relied on the rents to pay his salary, being sustained by the chief justice and a majority of the council, also took the advanced position that two years after the Great Deed was signed the Lords Proprietors, by their action, revoked it, and it was therefore a nullity; and insisting that the laws which had formerly been confirmed were no longer operative, he declared that he would proceed to collect the rents in silver, and that those who were not content to make the payments he demanded could settle up arrears and move out of the province, abandoning their homes and the lands they had improved. This suggestion but added fuel to the flames; and Moseley, to whose custody the Great Deed had been committed by the previous Assembly, now formally presented it to Speaker Downing for safe keeping. Being unable to move the house from its position, Johnston on March 1st made a great show of indignation and prorogued the Assembly.

C. R., IV,  
20, 112

Undeterred by opposition, the governor asserted his purpose to proceed; and notwithstanding the general opinion that there must be an act of Assembly providing for the collection of the rents, he assumed that his personal views



should necessarily control, and he determined to make it plain that he was master of the situation, and issued a proclamation requiring all rents to be at once paid to the receiver-general. However, he so far yielded to the circumstances of the inhabitants as to assent that the rents might be paid in paper currency instead of silver, but at the rate of seven for one; and if not voluntarily paid, the receiver was to distrain; and in that case eight for one was to be exacted; and he proceeded to erect a court of exchequer, with Smith as chief baron, the particular business of the court being to enforce the collection of the rents. There was, however, no receiver in the province, the king's receiver-general, John Hamerton, being a resident of South Carolina; so to facilitate the collections Eleazar Allen was appointed receiver for North Carolina, a proceeding which so angered Hamerton that he issued a proclamation warning the people not to make any payment to Allen. But this only served to rouse the governor's spirit, and he ordered that assistant receivers should be appointed to attend at every precinct court house and make distress if need be. Some rumors of discontent were heard because of this new turn of affairs, and the governor was astute in selecting and appointing militia officers who would sustain his administration. He did not propose to brook opposition to his methods, and was ready to enforce his will at every hazard.

1735

C. R., IV,  
67C. R., IV,  
75

C. R., IV, 8

Nearly all of the councillors then resided on the Cape Fear, and the growing importance of that region, together with its fine navigable river, led the governor at first to make that his residence instead of Edenton.

He was, however, at points with the Moores because of their landholdings, some of their lands having been obtained under old blank patents, which they had bought, and which the governor considered as in fraud of the rights of the king; and he viewed the town of Newton with more favor than he did Brunswick, and perhaps determined to locate there.

#### Wilmington incorporated

Immediately on his return from Edenton, in 1735, doubtless at his instance, an application was made to the council

March, 1735  
C. R., IV,  
43





1735

to incorporate that rival of the older settlement in which the Moores were interested, but the councillors apprehended that they had not the power.

C. R., IV,  
44, 45

However, he proceeded to give signal proofs of his favor to Newton. He ordered that on May 13th a land office should be opened there; also on the same day a court of oyer and terminer was appointed to be held there; also the court of exchequer, of which William Forbes and James Innes were designated as assistant barons; and likewise the council. Truly, that May 13, 1735, was a gala day for the little village, which had already made progress in its struggle for trade and importance against the established seat of local government lower down. The governor, realizing its advantageous situation, threw all of his influence to secure its ascendancy. He bought land there, as did also Colonel Halton, Captain Innes, Captain Rowan and Woodward, the surveyor-general, and James Murray, who came to be a close friend to the governor; and the next year an act was introduced to incorporate the town under the name of Wilmington, in honor of the governor's patron at Court; but the Moores were able to defeat the measure in the house. However, a session or two later the bill was brought forward again. The council was composed of eight members. The presiding officer, Chief Justice Smith, voted for the bill, making a tie; and he then voted a second time to break the tie; and the bill being hurried to the house, was put through before the Moores had time to oppose its passage. This occasioned a strong remonstrance from those interested in Brunswick, who protested that it was illegal for a member of the council to cast two votes. At the next session the house again passed the bill to cure this alleged defect.

Wilmington  
incorporated

### Immigrants

Attention now began to be attracted to North Carolina, and particularly to the region drained by the Cape Fear River, as a home for settlers, and Governor Johnston stimulated interest among his friends in Great Britain by his letters and representations. Before he had been in the government a year he was in communication with Mr. Dobbs and some other gentlemen of distinction in Ireland, and

C. R., IV,  
72-74



with Henry McCulloh, a kinsman of his and a merchant in London, relative to their sending over families; and Captain Woodward, as their attorney, selected a tract on Black River, in New Hanover, of sixty thousand acres for them; and in January, 1735, McCulloh petitioned the Board of Trade for two other tracts, one at the head of the Northeast and the other at the head of the Northwest River, which were allowed him. Simultaneously with this movement, Governor Burrington, then in London, and Mr. Jenner proposed to settle a colony of Swiss between the Neuse and the Cape Fear rivers, and asked that a new precinct should be laid off in that region for them; but later the location desired was changed to one nearer the mountains. However, this proposed colony seems eventually to have been merged in McCulloh's undertaking. This enterprising gentleman was appointed by Governor Johnston his agent in England, and he also secured an appointment as inspector-general of the grants and revenues of the king in South and North Carolina; and a few months later, having associated two merchants, Huey and Crymble, and some other gentlemen with him, he obtained an order for twelve tracts of land of one hundred thousand acres each, not to be at a greater distance from each other, however, than ten miles, and each tract to be subdivided into eight equal parts. For these tracts the grantees were not to begin to pay quit rents until the expiration of ten years, having that time for settlement. The grants were ordered to be located on the head waters of Neuse, Peedee and Cape Fear rivers, and they were the basis of the immense land interest subsequently held by McCulloh in North Carolina.

To induce the immigration of settlers, it was urged that the climate on the Cape Fear was as good as that of England; that living was cheap; that fortunes were easily made; that those who came early and took up land would find that its value was doubled yearly, as had been the case on the lower part of that river. These inducements appealed strongly to enterprising young men to leave the well-occupied marts of Britain and seek their fortunes in a country where hope promised them such advantages. Captain Innes, a man of unusual merit, seems to have accompanied the governor when

1735  
C. R., IV, 73

C. R., IV,  
683, et seq.

C. R., IV,  
156, 157

McCulloh's  
grants

C. R., IV,  
668

Letters of a  
Loyalist



1736

James  
Murray

he arrived, and among those who were induced through the influence of the governor to come over in the fall of 1735 was James Murray, a young Scotchman, then resident at London, who brought with him a stock of goods, and arrived on the Cape Fear January 1, 1736. Not being able to obtain a house at Newton as he had intended, he opened his store at Brunswick, where he found ready sale for all of his merchandise except "wigs." These fashionable ornaments of dress, much to Murray's disgust, he was unable to dispose of, either at Charleston or on the Cape Fear.

Free Masons

But if the people would not wear wigs, they nevertheless brought with them the ideas and habits of the people at home. In 1735 they made application to the Grand Lodge of England for a charter of a Free Mason's lodge, which was granted under the name of Solomon Lodge; and one of the first buildings erected in the village of Wilmington was a Mason's lodge.

Swiss, Irish  
and Scotch  
C. R., IV,  
685-687

The first considerable number of families coming together were Swiss, who arrived about the end of 1736, and a colony of Irish, who were settled on the upper waters of the North-east; among the latter being Colonel Sampson, the Owens,\* Kenans and Walkers; and in September, 1739, the McNeals, Duncan Campbell, Colonel McAlister and several other Scotch gentlemen brought over three hundred and fifty Scotch people, who settled in the western part of Bladen Precinct. Earlier a colony of Welsh settled in the upper part of New Hanover County, on what has since been known as the "Welsh Tract."<sup>†</sup> To encourage such colonies the Assembly exempted from taxation for ten years all bodies of Protestants settling in the province numbering forty persons, and in particular appropriated £1,000 for the benefit of the Scotch settlers.

The South  
Carolina  
dividing  
line

Governor Burrington having fortunately postponed settling the boundary line of South Carolina, Governor Johnston appointed commissioners for that purpose, one of

Records  
New  
Hanover  
County, 1737

\*The Holmes family appears to have located at first in Edgecombe and then to have removed to Duplin.

<sup>†</sup>In March, 1737, the Welsh Tract extended from Burgaw Creek to Widow Moore's on Black River, and then to the bounds of the precinct, embracing Duplin and Sampson counties.





whom was Eleazar Allen. The commissioners met at Allen's residence, Lilliput, near Brunswick, on April 23, 1735, and agreed that a due west line should be run from Cape Fear along the seacoast for thirty miles, and then proceed northwest to the thirty-fifth degree of north latitude, and then run west. A week later they ran the line to Little River, and in September continued it seventy miles to the northwest; and two years later it was extended in the same direction twenty-two miles. There the work was discontinued until 1764, when the line was run west to the vicinity of Catawba River.

1735

S. R., XI,  
149

When the receivers first began to collect the rents, which were then several years in arrears, many persons paid, and the governor was much gratified at the success of his plan of proceeding without the sanction of the Assembly; but at length, on rents being demanded in Chowan, Moseley refused to give his countenance to a proceeding he deemed illegal and subversive of the rights of the people. He declined to pay, and others thereupon stood with him, and collections almost wholly ceased.

C. R., IV,  
246

While his officers were meeting with success the governor had had no use for an Assembly, and being determined to set his face against the biennial act, under which elections were held without his writs, he dissolved the Assembly so chosen in September, 1735, without permitting it to convene. The next year he issued his writs for a special election of assemblymen, and convened the Assembly in September, 1736. In his address to that body he urged that the interests of the people and of the province would be best subserved by promoting religion and education, and asked that provision should be made for public worship, and that at least one school should be established in the province. The house at that time, however, had more pressing matters to consider than the academic promotion of virtue, and called the attention of the governor to the unlawful action of those who were collecting rents under his orders, and declared that their conduct was an intolerable grievance. Nevertheless, the house passed a fee bill, which the governor rejected, and also a bill providing for a rent roll and for the collection of rents, and for quieting possessions, by the provisions of which all blank patents were declared valid, the validity of

The new  
Assembly  
Sept., 1736  
C. R., IV,  
225, 226



1736

—

C. R., IV,  
241, 272

the Great Deed reaffirmed and the rents declared payable in commodities, rated at specified values; and the value of the paper money was to be annually fixed by a commission composed of the governor, four members of the council and the speaker and six members of the Assembly, to be chosen by the house. This bill was so clogged with provisions which, in the opinion of a majority of the council, were detrimental to his Majesty's interest, that the upper house rejected it, and the governor, having twice unavailingly called the house to attend him, prorogued the obstinate Assembly until March; and when it then met, the house having ordered into custody the officers who had been collecting the rents from unwilling citizens under compulsion from fear of distraint, the governor promptly dissolved it.

The  
governor  
appeals for  
instructions

C. R., IV,  
250

In the meantime Governor Johnston had immediately after the adjournment of the first Assembly made a full representation to the Board of Trade of the differences between the people and himself. He had urged that the Great Deed had been revoked by the Lords Proprietors; that except six unimportant laws the former legislative enactments had never been confirmed and were now nullities; that especially the biennial act ought to be repealed; that the blank patents ought to be set aside; and he asked instructions as to these matters as well as in regard to the Assembly's contention about the rents. But the Board of Trade took no heed and his appeals for direction were in vain. No instructions having been received in reply to his request, Governor Johnston now advised the Crown officers at home that unless the old laws were annulled his Majesty would have very little to do in his province, for the people had taken especial care to make themselves independent both of the Crown and of the Lords Proprietors; and he asked that a company of troops, that would not be under the direction of the Assembly, might be sent to the province and he be commissioned as captain of it. Evidently the governor was minded to carry out his will and purposes even by force if necessary; and perhaps there was some occasion for troops, for when at the general court a man was imprisoned for insulting the marshal of the court, the people of Bertie and Edgecombe, understanding that his offence was non-payment of quit

C. R., IV,  
267



rents, rose to the number of five hundred and approached Edenton with the purpose of rescuing him, cursing the king, and with their hearts full of rebellion. While it was only in these two precincts that the people openly embodied, yet the seeds of insurrection were widely disseminated, and the governor hastened to advise McCulloh that the biennial act should at once be repealed and that the people should be warned and commanded by a royal proclamation to obey the governor. With this spur, the Board of Trade during the summer obtained from the king an order repealing that law; and conformably thereto, in November Governor Johnston issued a proclamation giving notice of its repeal. Such was the ending of one of the muniments of liberty and safeguards of freedom which Shaftesbury had embodied in his celebrated Fundamental Constitutions in the early days of the settlement.

1736

C. R., IV,  
251  
July, 1737Biennial  
Act  
repealed

At an Assembly held in New Bern in March, 1739, the disposition to fashion the province after the model of England had its effect, and an act was passed converting the precincts into counties, and for appointing sheriffs in each of them, but as that necessarily supplanted the official functions of the marshal, that office was abolished, and Colonel Halton was allowed a money consideration for his damages. Provision was also made for holding circuit courts, and at an adjourned session a month later the struggle over the quit-rent trouble, which had lasted so many years, was adjusted by a compromise, which was very agreeable to the governor, provision being made for a rent roll and the rents to be paid in a limited number of commodities, such only as the governor approved—tobacco, hemp, flax, deer skins and beeswax; and the value of the provincial currency was to be fixed by a commission as in the bill formerly rejected by the council. One of the considerations for the passage of this bill by the Assembly was that it confirmed the blank patents, in which nearly all of the chief men of the province were in some measure interested, and it gave an assurance of title to lands which they had improved, in some instances at great expense.

Precincts  
converted  
into  
counties  
S. R.,  
XXIII, 120Rent roll  
prepared

On the other hand, the governor and his officers had for some time been without compensation for their services, and





1739

as this arrangement opened the way for the payment of their salaries, it was very gratifying to his Excellency, who hastened to send the act to England with his approval and urgent request for its confirmation. In the meanwhile, not doubting that it would be confirmed, he put it into operation, and that cause of disagreement between the administration and the opposition was regarded as entirely removed. Still, the antagonism between the governor and the Moores, who were spoken of by the administration as "the family," remained;\* but this cause of difference being settled, Eleazar Allen abandoned the governor and joined "the family," which put the administration in the minority in the council. This unexpected defection of Allen led the governor to immediately appoint as councillor James Murray, on whose fidelity he could rely.

Progress  
in the  
colony

Products

The exports of the Cape Fear River had now become relatively considerable. The vast pine forests were filled with light wood, being the heart of the resinous pine after the body of the fallen tree had decayed many years before, and the business of making tar engaged a large part of the population; indeed, so much of this staple article of commerce was speedily produced that the markets of the world soon became overstocked. The Moores and their friends, who together had brought some twelve hundred slaves to the settlement, began in 1735 the culture of rice, of which large crops were now being produced for export; and in 1738 George Lillington reported to the Assembly that he had brought the culture of indigo to perfection; while particular efforts were made in various parts of the province to grow hemp and flax. The silkworm was also introduced, saw-mills had been erected, bricks were burned, and much progress was made in comfortable living as well as in profitable commerce.

Chief  
Justice  
Smith  
impeached

There had been constant accessions to population, and the chief matters of difference between the people at large and the administration having been settled, an era of good will was ushered in, and there was a period of quietude and of steady growth. Still the chief justice did not give satisfaction in his courts. In some measure he seems to have

\*Murray's "Letters of a Loyalist."



justified the opinion expressed of him by Burrington, and there were many complaints of his irregular proceedings. At length, in 1739, matters reached a crisis, and there was a determination to impeach him. The Assembly was to have met in New Bern in November, but because of adverse winds the members from Albemarle, who were coming by water, were delayed, and only twenty-six members at first appeared. That number was sufficient for a quorum and the body might have been organized. But the chief justice had been very useful to the governor, and it was alleged that in order to protect this officer, with the governor's connivance, resort was had to management, and Smith procured four members to take to the bushes and absent themselves, thus preventing an organization. After waiting two or three days, a majority of the council advised a dissolution—advice which the governor hastened to follow, and the impending impeachment was thus avoided. From the method pursued to break the quorum that Assembly became known among the people as the "Bush Assembly." A new election was, however, at once ordered, and when the body met Smith managed to secure the good will of a majority by promising to have passed a certain bill allowing some additional commodities to be received in payment of taxes and in discharge of debts, the rating of these commodities to be at a very high value. Sir Richard Everard, the son of the former governor, however, presented and pressed the resolution of impeachment, setting out in detail some eighteen impeachable offences; but a majority of the house, being thus won over to the cause of the chief justice, cut short the time for bringing forward the testimony, and by a preponderance of six votes held that the evidence presented was insufficient to justify the proceeding. So Smith not only thus avoided the blow, but, indeed, during the year found an opportunity of dealing one to his old enemy, Hanmer, who had been used by Burrington to keep him out of his office. Hanmer was charged with perjury and tried before Smith and convicted. He begged for mercy, but Smith was obdurate, and imposed on him such a heavy punishment that in 1743 Hanmer, being then released from prison, petitioned the Crown for relief against the chief justice, who, he alleged, had persecuted him and destroyed

1740

C. R., IV,  
331, 352Feb., 1740  
C. R., IV,  
462, 500, 504



1740

Moseley  
chief  
justiceThe  
Spanish war

1740

C. R., IV,  
421

his fortune and wrecked his health. Smith, however, did not survive long enough to engage in this new controversy. In 1744 he died, and John Montgomery succeeded him as chief justice; himself surviving only a few months, when Edward Moseley was appointed to the position.

For years there had been a constant disregard by the English traders of the commercial regulations which Spain had thrown around the commerce of her American colonies with a view of excluding foreign trade and maintaining an exclusive dealing with the mother country. The contract of the English for the importation of negroes, known as the *Asiento*, increased their facilities for smuggling and maintaining an illicit trade with the Spanish colonies, which was carried on with great gain, particularly by the merchants of Jamaica. There were besides other causes of differences between England and Spain, which, however, in the spring of 1739 had been amicably settled by a convention; but the convention was not promptly carried into effect, and the English traders, fearing that their trade would be cut off by it, were clamorous in demanding a "free sea" even in the Spanish Main.\* To please them war was declared with Spain on a point that was of unusual interest to the English colonies in America, as it related to unrestrained commercial intercourse with the Spanish settlements to the southward.

In view of these hostilities, in the summer of 1740 Governor Johnston received instructions to raise such troops as could be obtained in the province, and he called a special session of the Assembly to make provision for them. The members were zealous in their patriotic ardor, and with notable unanimity appropriated £12,000 sterling for the maintenance of the levies; and the governor hired four vessels at Edenton, three companies of a hundred men each being raised in the northern counties, and one vessel at Wilmington, where a hundred men enlisted, to convey them on the expedition. So ready were the people to go that many

\*While the merchants were clamoring, one Jenkins, a sailor, appeared before Parliament and exhibited one of his ears that had been cut off by the Spaniards. This turned the scale against Walpole's peace policy, and the war became known as "the war of Jenkins's ear."





more companies could have been obtained had adequate provision been made for them.

These troops were originally intended to operate with the expedition under General Oglethorpe against St. Augustine, and some of them were despatched on that service. That expedition having failed, they sailed for Jamaica, where the British forces were concentrated. Captain Innes commanded one company, and with him were Lieutenant Pringle and Lieutenant Douglass, who appear to have come from England. They sailed from Wilmington on November 26, 1740, and were actively engaged in the West Indies. Later these forces were in Admiral Vernon's expedition against Cartagena, where, after meeting with some successes, the want of co-operation between the army and the navy worked their ruin. Not only were there great losses on the land, but after the troops were driven to re-embark a fever broke out among them and nine out of ten of the colonial contingent succumbed to disease, the entire loss in the expedition being over 20,000 men. But few of the North Carolina troops returned. That they bore an honorable part in the operations may be gathered from the fact that Lieutenant Pringle was wounded at the siege of Boca-Chica, while Captain Innes won such distinction and his merit was so thoroughly recognized that in 1756 he was appointed commander-in-chief of the Virginia forces. Colonel Washington was glad to serve under him.

1740  
Expedition  
to Cartagena

#### The decision of the Board of Trade

After the act relating to the rents had been in operation some two years the governor was humiliated at receiving information that it had been disallowed by the king. The passage of the act had been obtained by him after a long conflict with the Assembly, and it happily settled many contentions; but the half dozen merchants in London trading to North Carolina protested against the provision which allowed a commission to fix the value of the currency; and for that reason the entire settlement of the vexed questions was annulled. It is no wonder that the governor's patience was taxed beyond measure by this untoward and unwise action. But that was not his only disappointment; the other

1741

Quit-rent  
low  
disallowed



1741

C. R., IV,  
227The  
Great Deed

questions submitted by him were all decided practically adverse to the positions he had taken. In February, 1738, the law officers made their adverse report, but it was held up three years at London and not communicated to Governor Johnston until 1741, notwithstanding his anxious solicitude for decisive instructions. In regard to the Great Deed, it was held that that instrument was revocable, but that its revocation could not affect grants made while it was in operation; and whether it was revoked by the commission and instructions to Governor Sayle in 1669, as contended by Johnston and McCulloh, depended on whether Albemarle was within Sayle's territory—which, indeed, had been limited to "south and west of Cape Carteret"; and even were it within that territory, the board considered that a long and quiet enjoyment of land would cure all defects of title.

The  
quit rents

The greater question was as to the payment of the quit rents, and its decision was entirely in conflict with the governor's views and sustained Moseley and the Assembly at all points in the controversy. It was held that the rents were not payable in specie, but might be paid in commodities at the market value, and that the place of payment was on the farms.

C. R., IV,  
291Laws  
confirmed

Concerning Johnston's contention that the whole body of the laws were a nullity, it was decided that as they had been in use among the people and acquiesced in by the Proprietors they were not void and could not be repealed by the Crown; still they made an exception in regard to the biennial act, and held that it was in the province of the king to repeal and annul that for special reasons, as had been done.

Blank  
patents

After a full examination into the matter of blank patents, the nature of which was fully explained to them by Governor Burrington, the law officers decided that notwithstanding the Lords Proprietors had ordered their land office to be closed, yet the patents were good if the Proprietors were made privy to them, or had afterward received the consideration money; but those issued after notice of the king's purchase were not good; and they held that the circumstance that the patents were blank as to boundaries was not of itself sufficient to avoid them; and if any of the patents were voidable, the proper course to annul them was by infor-

C. R., IV,  
322



mation in the courts. These decisions, however, were not for three years communicated to the governor, who in ignorance of them had maintained his position on the matters involved with partisan loyalty and devoted zeal in behalf of what he regarded were the legal rights of his sovereign. Disheartened in the extreme, for the only gratification he had enjoyed was in the repeal of the biennial act, the governor, receiving no salary whatever, nevertheless continued to apply unavailingly for new instructions, until at length, in 1747, the humiliating answer came that he had better try to get a new act passed for the collection of rents not containing the objectionable feature of a commission to fix the value of the currency that had caused the rejection of the former act. He had asked for bread and they gave him a stone.

1744

C. R., IV.  
583

But notwithstanding this ill-usage, Governor Johnston would abate nothing from the tenor of his original instructions, and the receivers of rents would not settle them for commodities, and now rated the provincial currency at only one-tenth the value of specie. As great as was this rate of depreciation, it was equaled in the neighboring province of South Carolina, where for three-quarters of a century the currency was never at a less discount than 700 per cent.; and where twenty-eight of the merchants of Charleston having, in 1722, presented a memorial complaining of broken pledges in not retiring the currency, the Assembly ordered them all into the custody of its officers.

Currency  
ten for one

The people of North Carolina, however, were not content with having their currency rated so low, and abstained from paying their rents; and so little money was collected that the governor's salary remained unpaid; and especially was this the case after the northern part of the province had been set apart to Earl Granville, the rents in arrears as well as those annually to accrue in that territory after 1744 being the individual property of that Proprietor, while those accruing in the lower portion of the province, which had not been so long settled, were of comparatively insignificant value.

Governor's  
salary  
unpaid

Embarrassed by his pecuniary condition, other matters bore equally hard on the governor. Civil war was raging in his





1744

Matters in  
dispute  
settled

native country,\* where the young Stuart prince had erected the standard of his father and had gathered around him his zealous Highlanders, while the low-country Scotch, being Presbyterians and followers of John Knox, adhered to the Protestant house of Hanover. The situation of his kindred and friends gave him much concern; and because of the war with Spain and then with France, the seacoast of the province was opened to easy assault, and its defenceless condition was the occasion of much uneasiness; forts should be built and a militia organized; assemblies and general courts had been constantly held at Edenton, which was too inaccessible as a seat of government, and a more convenient location was desired, where the officers should reside and the public records be kept; the acts of the Assembly were in confusion and a codification indispensable; the time for which the provincial bills were to run was about to expire, and provision should be made for renewing them; while other subjects of almost equally grave importance claimed attention. Yet assemblies would meet, and because of jealousy between the houses or disagreements with the governor, little or nothing was accomplished. Still, one by one these subjects were considered, and occasionally some would be acted upon, except alone that establishing a seat of government; as to that there was an irreconcilable difference between the houses, the northern members of the Assembly insisting on Bath, the governor and the council, of whom a majority resided on the Cape Fear, proposing New Bern; so there could be no agreement.

#### Westward expansion

Granville  
and  
Johnston  
counties  
1746  
C. R., IV,  
831, 834

But whatever were the perplexities of government, the province continued to grow in population and importance. Virginians from the beginning had flocked across the border. After the old precincts at Albemarle were well occupied, these immigrants from the adjoining province possessed themselves of Bertie, and there the population became so numerous that in 1741 the new county of Northampton had to be erected. Five years later the first settlement that the Virginians had made on the Tar had so expanded that Edge-

\*It is said that Governor Johnston's brothers were in this rising.



combe had to be divided, and Granville was portioned off on the western frontier; while in like manner Johnston County (first proposed to be named Essex) was formed from the western part of Craven, extending up the course of the Neuse.

1746

S. R., XXIII  
246, 249

In New Hanover 22,000 acres of land had been surveyed for McCulloh between the Northeast and Black rivers, and 50,000 acres were located for him a little higher up, which were under the care of Dr. William Houston, near Soracte and the Golden Grove, where the Irish and Swiss settlers had been established in 1736. In 1736 George Vaughan, a barrister of Dublin, Ireland, purchased of a Mr. Hewitt 12,000 acres of land situated in this territory and apparently a part of the 50,000 acres laid off for McCulloh and his associates; and the next year, 1737, John Sampson, a nephew of Vaughan, settled on the tract as agent. Three years later Vaughan resolved to appropriate the land, together with one hundred slaves, to the purpose of Christianizing five Indian tribes\* then said to be in the vicinity; and under an arrangement Sampson sought to carry out these general purposes, but for some reason the plan appears to have miscarried. Indeed, the settlement of upper New Hanover prospered so well that in 1749 a new county was formed out of that territory, at first proposed to be called "Donegal," or Fane, but on consideration was named Duplin, in honor of Lord Dupplin, one of the Board of Trade.

Court  
Records,  
New  
Hanover  
County  
C. R., IV,  
1664Duplin  
County

And even a still more interesting movement was witnessed on the other branch of the Cape Fear. Some Scotchmen had been induced, perhaps through the influence of Governor Johnston, to come to that region shortly after his appointment, and later there were large accessions of the same population. In 1739 Colonel McAlister arrived with three hundred and fifty Scotchmen in one body. After the disaster at Culloden the adherents of Charles Edward were put to the sword and threatened with extermination. The chieftains and more prominent leaders were quickly despatched, while the humbler people were hunted like wild animals in a chase and butchered without compunction of conscience. The

C. R., IV,  
viiiThe Scotch  
migration

\*Indian relics are still found widely scattered throughout Duplin and Sampson counties.



1746

Culloden

Highlanders  
in Cumberland,  
1746Vass, Hist.  
New Bern  
Presby.  
ChurchAnson  
County  
C. R., IV,  
888, 1064

bloody work was, however, at length arrested by a tardy proclamation of mercy, and a pardon was issued under the great seal exempting from the death penalty nineteen out of twenty who had escaped the terrible slaughter. To determine who should be the victims of this melancholy fate, there was resort to the haphazard chance of casting the lot. Those undefended by fortune perished, the other nineteen being adjudged to suffer only expatriation—a merciful boon, perpetual exile. The removal of entire clans was enforced, and hundreds who, not being involved in the trouble, might have remained in their desolated country preferred to abandon their beloved mountains and share the fortunes of their compatriots rather than remain in their deserted homes. Indeed, the feudal tenures of the olden time were then destroyed, and the ties that bound the clansmen to their chiefs passed away, introducing new conditions that were intolerable to the Highlanders. Some influences turned the tide of migration to the upper Cape Fear, where a number of their Highland companions had already located. So that in 1746 the vicinity of the present town of Fayetteville was occupied by a considerable colony of these unhappy Scotchmen, and shipload after shipload of these unfortunate people disembarked at Wilmington and then penetrated far into the wilderness of the interior. In 1749 Neal McNeal at one time brought over five hundred with him, and they scattered through Bladen, Anson and what is now Cumberland counties. Five years later the stream began to flow again, and from that time onward there were constant arrivals from the Highlands of Scotland, until a vast territory was occupied by them. Beliol, of Jura, one of the Hebrides Islands, found employment for a vessel regularly engaged in bringing in annually Scotch emigrants, who were reared almost within hail of classic Iona, the hallowed home of primitive Presbyterianism. Even as late as in 1775 a colony of three hundred and fifty arrived, and joined their kindred on the upper Cape Fear.

From South Carolina other colonists had pushed up the Peedee, taking possession of the fine lands along that river far to the west of the Bladen settlements, so that in September, 1748, they besought the council for the benefit of a new





county, saying that there were between two hundred and three hundred white tithables in the Peedee country a hundred miles distant from the court-house; and in answer to their prayer a county was established called Anson, in honor of the brave commodore whose fame at that time was resounding throughout the world. Indeed, so rapid had been the progress of settlement that when, in 1746, Moseley and the other commissioners for running the Granville line reached the Saxapahaw, at the present southeast corner of Chatham County, they found settlers and houses already there, though the country was but sparsely occupied, and the region to the west was as yet uninhabited.

1746

S. R., XXIII  
343C. R., IV,  
811

Sir John Carteret, who held high office at Court, perhaps animated by an ambition to be the sole possessor of immense territories in the New World, had, in 1729, declined to dispose of his share on the purchase by the Crown of Carolina, and by the king's command his portion was set apart to him in severalty adjoining Virginia, and the dividing line was agreed to be the parallel of latitude  $35^{\circ}$  and  $34'$ , by which about two-thirds of the province became his individual property. Carteret, by the death of his mother, had just then succeeded to the title of Lord Granville. He had the year before overthrown the Walpole administration, and was secretary of state; and he had uncontrolled ascendancy over the king, and was "not only the most brilliant debater, but the ablest statesman of his time."

Granville's  
territory

In the winter of 1743 his line was run from Hatteras to Bath, and in the spring of 1746 it was continued to Saxapahaw, passing near the present towns of Snow Hill and Princeton; and when extended farther west it became eventually the southern boundary of the counties of Chatham, Randolph, Davidson, and Rowan. From the time it was run all the interest of the Crown ceased in the rents within that extensive territory, they belonging exclusively to Granville, who appointed Moseley and Halton his agents for collecting the rents and making grants in his name.

His line run

This division of the province between the king and Granville, and the conflicting interests of the northern and southern counties, and the desire of the governor to establish a seat of government in New Bern, led to one of the



1746

most strenuous struggles that marked the course of public affairs.

### The unarmed rebellion

Nov., 1746  
C. R., IV,  
870

The Assembly was composed of fifty-four members, of whom, as the northern counties had five each while the southern counties had but two, the majority always lay with Albemarle; so to compass his purpose with regard to establishing a seat of government the governor skilfully resorted to management. An Assembly having met in New Bern in June, 1746, and the houses having disagreed as between Bath and New Bern, the governor prorogued the body to meet at Wilmington in November, at a time when the northern members would be engaged in sending their cattle and hogs to Virginia for sale, and could not conveniently attend at so remote a place. The Albemarle representatives, relying on their power to break a quorum by remaining away, agreed on that course and did not go to the Cape Fear. In former years the result would have answered their expectations; but with the growing importance of the Cape Fear region and the divergence of interests that had arisen between the sections new conditions had come to defeat these calculations.

C. R., IV,  
838, 843

When the house assembled, there being eight old members and seven newly elected, fifteen in all, in attendance, the speaker, Sam Swann, calling to his aid the rule of the British Parliament by which 40 members out of 556 constituted a quorum, declared a quorum present, and the house proceeded to business. Only two bills were passed, but these were of great importance. By one of them the seat of government was fixed permanently at New Bern, where public papers were required to be kept, instead of at the private residences of the officers in the different parts of the province, as had been the practice; and circuit courts were established to be held throughout the province; while the other was intended to destroy the inequality of representation by allowing to each county in the province two representatives and no more. This was a direct blow at the northern counties, which the Albemarle people furiously resented. They declared that by the constitution of the province the original Albemarle counties had a right to five members, of which



they could not be deprived; and that a quorum of the house consisted of a majority of all the members, and that a less number could not lawfully pass a bill. They asserted that the governor had by artifice and trick devised this proceeding, and as they had fallen into the trap, they now prepared to meet the emergency by a counter-plot. By agreement, they were to abstain from attending future sessions; and their declaration that the act establishing the seat of government and appointing commissioners to erect the public building at New Bern was a nullity raised an obstacle in the way of giving effect to that law which could not be overcome, and the buildings were not erected. The governor issued writs for a new Assembly to meet in February, ordering the sheriffs to return but two members from any county, but the Albemarle people disregarded these instructions and voted for five members as formerly. Throughout the whole region there was concert of action, and the entire section was united as one man to preserve their constitutional rights. When the Assembly met the elections in those counties were held void, and new writs were issued for another election, but the people to a man abstained from voting. There were no elections held. The northern counties would not be represented by less than five members. Both sides, however, appealed to the higher authority of the Crown; but the law officers in England, who during the whole colonial period acted on a high plane and sought to be fair and impartial, would not decide except on a full hearing, and required testimony to be taken in the province as to the disputed facts. This delay brought no harmony to the province, and as months passed the interests of the sections conflicted more and more. The public men who had formerly acted in unison drifted apart; faction and party spirit ran high, and the province became divided into two sectional parties, whose antagonism constantly grew in bitterness.

The governor did not choose to risk another Assembly, or perhaps deemed it ill-advised to disturb existing conditions, so year after year the Assembly elected in February, 1747, continued to meet under successive prorogations. Having no representatives, the northern counties refused to obey the laws enacted by the Rump; they did not recognize the new

1747

The two  
repudiated  
acts  
C. R., IV,  
355, 364  
Feb., 1747

Northern  
counties not  
represented

They refuse  
obedience





1747

C. R., IV,  
1312

circuit courts, and especially they would pay no taxes to support a government in which they had no share; and as the northern inhabitants would pay no taxes, after a while neither would the southern, who would not bear the burden of government alone. The house eventually became like the Long Parliament in England, a body exercising the functions of government, but no longer representative of its constituents. While its enactments had the force of law in the southern counties, in the northern they were utterly disregarded.

### The Spanish invasions

S. R., XXII,  
403

Notwithstanding the defection of the northern members, the Assembly had to deal with matters of general interest. Particularly did the defenceless condition of the coast give great concern. In 1741 several Spanish privateers took possession of Ocracoke Inlet, and seized the vessels arriving there. They also landed and carried off the cattle of the inhabitants. Eventually they were driven away, but their depredations were so great that provisions had to be supplied to the distressed people at a cost to the province of more than £10,000.

S. R., XXII,  
262, 278

Aug., 1747

Again in 1744 they harassed the coast; and in 1747 boldly entered the harbor of Beaufort. Major Enoch Ward hastily gathered some militia and held them at bay until August 26th, when they succeeded in gaining possession of the town itself. In a few days, however, Colonel Thomas Lovick and Captain Charles Cogdell came to the rescue with a sufficient force, and early in September the Spaniards were expelled, suffering considerable loss. At least ten of the invaders were captured. But so successful were these forays that the next summer they were continued, and the coast was ravaged. Early in July some of the Spanish ships lay in the harbor of the lower Cape Fear, while a company of militia held the shore against them.

Beaufort  
Taken  
S. R., XXII,  
263

1748

S. R., XXII,  
286

At that time six of the Spaniards were captured, and they withdrew, only, however, to return in heavier force about the beginning of September. On the 4th of that



month the alarm was given at Wilmington that they were ascending the river, and the militia companies hurried in detachments to the scene. The general defence had been committed to Eleazar Allen, Roger Moore, Edward Moseley and William Forbes, as commissioners; while Major John Swann was in immediate command. Among the companies participating in the defence were those commanded by Captain William Dry, Captain John Ashe and Captain John Sampson. These alone numbered more than 300 troops. The Spaniards quickly took possession of Brunswick, and for four days, from the 6th to the 10th, hostilities were active. At length, on the 10th, one of the Spanish vessels was blown up, and the others were driven off. All that day Colonel Dry was employed burying dead Spaniards, and two days later he was getting the guns, anchors and other valuables ashore from the wreck. It was from this destroyed vessel that the painting was obtained which is still preserved in the vestry-room of St. James's Church at Wilmington. The spoils from the wreck were appropriated for the use of the churches at Brunswick and Wilmington. A considerable number of the Spaniards were killed and wounded; while at least twenty-nine fell into the hands of the inhabitants. The alarm occasioned by these attacks aroused the people, and the Assembly readily yielded to the suggestion of the governor to make preparations for defence. A bill was passed to issue new currency to the amount of £6,000 sterling for the purpose of erecting two large forts, one at Cape Fear and the other at Ocracoke, while smaller ones were to be built at Core Sound and Bear Inlet; but only the one at Cape Fear was ever completed. The governor, however, had been particularly instructed not to assent to a new issue of currency, and in violating these directions he imposed terms which he hoped would shield him from blame for his disobedience. He required that the Assembly should agree that the use of commodities in the payment of taxes should cease, and that all public payments should be made in proclamation money. This was a point gained which the governor had long had very much at heart, and from his standpoint it was cheaply bought.

1748

Sept. 10

Brunswick  
attacked,  
Sept. 6-10,  
1748R. S., XXII,  
271-286S. R., XXIII  
292



1748

**Effort to displace Johnston**C. R., IV,  
936

No reports

Local  
differencesC. R., IV,  
972

The passage of this currency bill and the disturbed condition of affairs in the province, however, led the London merchants and McCulloh to make an effort for Johnston's removal. Toward the end of 1748 John Morris, Francis Corbin, Arthur Dobbs and others began proceedings against him, which J. A. Abercromby, who had just been appointed agent for the province by the Assembly, very skilfully delayed, and then McCulloh filed a memorial in his own behalf complaining of alleged misconduct on the part of the governor, which later seems to have been sufficiently answered. One of the allegations against Governor Johnston was that he had ceased making any reports to the officials at home, but while the Board of Trade stated that for five years, between 1741 and 1746, they had received no communications from him, it appeared that letters and packages had been sent by the captains of the merchant vessels, who had not delivered them. Doubtless the governor was, however, negligent, for he was receiving no salary and all his efforts to procure an adjustment of controversies that might result in his collecting rents sufficient to pay salaries had been defeated by the non-action of the home government.

At length, in 1748, the Assembly having passed the currency bill with his concurrence, the next year they passed two others that afforded him great satisfaction: one providing for a codification of the laws and the other to prepare a rent roll, requiring that all grants and deeds should be recorded for that purpose. The northern counties were opposed to all of these measures. Trading to Virginia, they naturally wanted a currency of equal value with the Virginia currency, and were opposed to any depreciation of North Carolina money; and being now in Granville's territory, their pecuniary interest was no longer identified with that of the southern counties. Quite an uproar was raised in the province in 1749, and the governor in his address to the Assembly, now composed exclusively of southern members, sought to strengthen them in their position and prevent them from yielding to the clamor of their former associates of the Albemarle section. "Go on, therefore, gentlemen," he said, "and continue in the same good cause you have begun.





Nothing adds a greater lustre to virtuous and public-spirited action than a steady, undaunted perseverance. Let no vain, clamorous boasting, no monstrous calumnies and forgeries, industriously spread among ignorant people, no petulant and noisy behavior in private conversation, the constant attendant of a bad and desperate cause, deter or dishearten you." But if the governor was firm, so were the leaders of the Albemarle people; the northern counties were immovable; still the Assembly continued its sessions without regard to the vacant seats in the hall, and session after session it passed acts of public importance.

Early in 1749 it appointed an agent to represent the province at London; and it passed an act to encourage James Davis to set up a printing office in the province, and accordingly in that year the first printing press was put in operation in North Carolina, and after that the laws were printed at the end of the sessions when they were passed and distributed among the counties. There had been a school kept at Brunswick in 1745, and now the legislature passed an act to establish a free school, of which John Starkey was the author, but which, however, did not become effectual; and it also established new counties, and, indeed, conducted legislation as if there were no opposition to their enactments within the province.

Samuel Swann and Edward Moseley had been appointed commissioners to revise the laws of the province, and the revisal having been made, it was reported to the Assembly on April 14, 1749. Subsequently this revisal was printed, and was known from its sheepskin binding as "Yellow Jacket."

It was in 1748 that we have a last view of the poor Palatines as a distinct body. The land on which they had located was originally granted to De Graffenried, who to obtain needed supplies for his people had mortgaged it to Colonel Pollock. In the next generation the mortgage was foreclosed and the Palatines lost their homes. On their petition to the king, Governor Johnston was directed in March, 1748, to allot to them an equivalent in lands elsewhere, and to exempt them from any rent for ten years. Two years later Governor Johnston gave them lands in what are now Craven, Jones, Onslow, and Duplin counties, where their descendants

1749

First  
printing  
press  
C. R., IV,  
983

C. R., IV,  
990

"Yellow  
Jacket"

Palatines



1750

Wreck of  
Spanish  
fleet

are still to be found—many of their names, however, having in the passage of time been anglicized, as has also been the case with the Germans of the interior.

About two years after the attack on Brunswick, in a great storm on August 18, 1750, five vessels of the Spanish mercantile fleet were cast ashore on the coast; one was lost at Currituck Inlet, one was sunk at Cape Hatteras, one was beached at Ocracoke, one at Drum Head Inlet and one near Topsail. The cargoes were all valuable, that of the vessel wrecked at Ocracoke being worth a million dollars. Its commander, Don Bonilla, made no application for aid, but for some weeks was carrying on futile negotiations with the neighboring bankers for small vessels to carry off his cargo. Eventually, however, Governor Johnston sent Colonel Innes there to give security and protection to the shipwrecked mariners and the valuable merchandise. On arrival he found that the Spanish captain had loaded his silver on two small sloops, one of which slipped away, carrying off a hundred chests of silver, but the other Colonel Innes was able to secure, and eventually the property was returned to its owners.

#### The contest between the counties

C. R., IV,  
1152-1225

It was long before the Crown officers took action in the matter in dispute between the old and the new counties; but eventually they directed depositions to be taken touching the facts underlying the respective contentions. On the part of the governor and new counties it was asserted that the right of the old counties to five representatives was founded on the biennial act, which had been repealed by the king. On the other hand, the old counties traced back the privilege to the Fundamental Constitutions, under which Albemarle was divided into four precincts, each allowed five representatives; and although it was admitted that the Fundamental Constitutions had long ceased to be operative, yet it was claimed that rights under it had been sanctioned by usage. Wyriott Ormond and Thomas Barker were appointed the agents to manage the affair, and they conducted it with great skill, while all the other leaders and



public men of the northern counties zealously co-operated with them.

Yet the southern counties were also active, and when the Assembly met in March, 1752, holding its eleventh session, there were high hopes that these differences would be speedily determined conformably to the wishes of the governor. These expectations, however, were not realized, and the evil conditions continued to prevail. How evil they were may be gathered from the testimony of Bishop Spangenberg. "In the older counties," wrote the bishop from Edenton in September, 1752, "there is perfect anarchy. As a result, crimes are frequently occurring, such as murder and robbery. The criminals cannot be brought to justice. The citizens do not appear as jurors, and if court is held to decide such criminal matters no one is present. If any one is imprisoned the prison is broken open and no justice is administered. In short, such matters are decided by blows. Still the county courts are held regularly, and what belongs to their jurisdiction receives the customary attention." The condition, however, was not altogether bad, for while the people would not recognize the new courts organized under laws passed since they were denied representation, yet they maintained in full vigor the old county courts held under the long established laws of the province. Local government was thus maintained despite the unarmed rebellion and the apparent anarchy and confusion, and the progress and development of the province was not materially interrupted.

But Governor Johnston did not live to see the end of the controversy. On July 17, 1752, death terminated his long and stormy administration. Save the era of good-will, ushered in by the passage of the currency act of 1736, which was disallowed by the king, there were always contentions that disturbed the province while he was governor. Many of these sprang from his own action. Ardently desiring to promote the welfare of the inhabitants, he was anxious to establish a permanent capital, to have the laws codified and courts provided for, while the payment of his salary depended on the collections of rents and the preparation of a rent-roll. In seeking to accomplish these purposes he resorted to management and methods that resulted in the

1752

Cessation of  
courts  
C. R., IV,  
1311

The end of  
Johnston's  
administra-  
tion





1752

unarmed rebellion and the great confusion that prevailed in the northern counties. Still he left the province much more populous than when he arrived. Precincts were converted into counties, court-houses built, the southern boundary in part established, and the vexed matter of rents and the currency question settled; and the laws were codified, a better court system inaugurated, and considerable advances made in government.

During his administration, in 1748, the office of treasurer of the northern counties was created, and Thomas Barker was appointed to it, and Edward Moseley was appointed treasurer of the southern counties. On Moseley's death, Eleazar Allen succeeded him, and when Allen died, in 1750, a controversy arose over the exclusive right of the lower house to designate the treasurers. After some unavailing contention the upper house concurred in the appointment of John Starkey. By an act of 1754 Barker and Starkey were again appointed, but whenever a new appointment was to be made the upper house asserted a right to participate in the election, always, however, in the end relinquishing its pretension and concurring in the appointment made by the lower house. The period of Johnston's administration is, moreover, remarkable for the rapid settlement of the western part of the province.

#### The growth of the west

Population  
increases

While Virginians continued to cross the line into the upper portions of Granville County, the more remote interior came to be occupied by an influx of unexpected settlers. The north of Ireland had in Charles I's time been settled by Scotch Presbyterians, who were now removing in large numbers to the New World. Some came to Charleston, and pushed into the up-country from that point, but still greater numbers landed at Philadelphia, and having made some settlements in Pennsylvania, turned southward, and by 1739 reached the Valley of Virginia. Others pressed still further to the south, and by 1745 made settlements in that well-watered district between the Catawba and the Yadkin, which has been called a veritable Mesopotamia. These were soon followed by another stream of immigrants known as the



Pennsylvania Dutch—Germans who had previously located in Pennsylvania.\* These settlers made "the great wagon road from the Yadkin River through Virginia to Philadelphia, distant four hundred and thirty-five miles," of which a map is preserved in the Library of Congress. It ran "through Lancaster and York to Winchester, thence up the Shenandoah Valley, crossing the Potomac River at Looney's Ferry; thence to Staunton River and down the river through the Blue Ridge, thence southward crossing the Dan River below the mouth of Mayo," and on near Salem to the mouth of Reedy Creek. Other settlers from Virginia and the north came farther east, by the old Red House in Caswell County, and then followed the Indian trail across the Haw to Trading Ford, near Salisbury. In 1746 Matthew Rowan was in the western region, and estimated that there were not above one hundred fighting men in the entire section between Virginia and South Carolina. Seven years later he thought that there were then thirty times as many, and said their numbers were increasing daily. These immigrants, coming in bodies, settled in neighborhoods to themselves, forming respectively German and Irish communities, scattered here and there throughout the wilderness, and maintaining their customs and manners as well as speech and characteristics, and largely transmitting them to their posterity.

1752  
The  
Germans  
and the  
Scotch-Irish  
C. R., IV,  
xvi

C. R., V, 24

Similarly, Quakers from Virginia and Pennsylvania in 1750, or earlier, located at Cane Creek and at New Garden; and from time to time their numbers were increased by accessions until the Society of Friends gave a particular cast to the inhabitants of that section.

Weeks's  
Southern  
Quakers  
and Slavery,  
102-105

The territory north of Granville's line being withdrawn from the king's domain, and about sixteen hundred square miles between the Catawba and the Uwharrie having been set aside for McCulloh, and the line dividing the province from South Carolina not having been run beyond the Peedee, the

Orange  
County  
1752

\*Pennsylvania was dominated by the Quakers, who lived chiefly in the eastern part of that province, and would make no preparations for defence against the Indians. When the Indians became hostile, through the influence of the French, the settlers on the frontier, getting no protection from the Quaker government, sought more secure homes in western Carolina.



1752

administrative officers paid but slight attention to these interior settlements that were growing so rapidly, almost without their knowledge and entirely independently of their influence. Still the extension of population westward from the seacoast counties was realized, and by 1752 the upper parts of Bladen, Johnston, and Granville becoming well populated, a new county, called Orange, was erected, beginning at the Virginia line, near Hyco Creek, running south to where Granville's line crosses the Cape Fear, and then west with Granville's line to the Anson line, and with the Anson line north to Virginia.

C. R., IV,  
1348Explorations by  
Spangenberg, 1752

In the fall and winter of that year, 1752, Bishop Spangenberg made an extensive journey throughout the western region to locate one hundred thousand acres of land purchased from Lord Granville for the Moravians. Setting out from Edenton in September, on November 12th he camped on the Catawba near what he called the "Indian Pass." The nearest settlement was that of Jonathan Weiss, or Perrot, a hunter, twenty miles distant. He found many hunters about there who lived like Indians, and whose purpose was to secure skins and furs for sale. A week later the bishop was near Quaker Meadows, about two miles from the site of the present town of Morganton. Here he thought himself fifty miles beyond the settlements. The whole woods were full of Cherokee Indians pursuing game. Higher up the Middle Little River he found the remains of an Indian fort, where apparently the Indians had lived some fifty years earlier, and other indications of Indians having inhabited that region were met with later. It was in that vicinity that Lederer stopped in his explorations, 1670, and Dr. Brickell found Indians there in 1731.

C. R., IV,  
1312 et seq.

Owen

Entering the mountains by mistake, on December 3d the bishop reached a branch of New River at an old Indian field, and followed that river to within fifteen miles of the Virginia line. Then turning southward, he reached the head waters of the Yadkin, and coursing down a very rapid stream, eventually got out of the Blue Ridge Mountains and returned to the Yadkin, where he found a Welshman, Owen, who had settled on that stream the preceding spring. This was four miles above an old Indian settlement, known as Mulberry





Fields, not far from Wilkesboro. But except Owen's, the bishop understood there was no other habitation within sixty miles. Later the Moravians found seventy-three thousand acres in one body, one hundred and fifty miles from a landing on the Cape Fear and three hundred and fifty miles from Edenton, and there they made their settlement.

1752



## CHAPTER XX

### DOBBS'S ADMINISTRATION—1754-65

Dobbs's visit to Point Lookout.—President Rowan.—County of Rowan.—Old style abolished.—The French claim.—Christopher Gist.—The French invasion.—Innes's regiment.—Innes commander-in-chief.—Decision of vexed questions.—Dobbs appointed governor.—Instructions to Governor Dobbs.—The constitution reformed.—Dobbs reaches New Bern.—The growth of the province.—The Indian inhabitants.—The Croatans.—The old counties elect their five members.—The new Assembly.—Tower Hill.—The French and Indian War.—The frontier settlements.—Fort Dobbs.—The first newspaper.—North Carolina troops in the war.—Major Hugh Waddell.—Fort Duquesne taken.—McCulloh's grant.—Internal matters.—Dobbs County.—The governor arbitrary.—The king's bounty.—Causes of difference.—The house outwitted.—The Enfield riots.—The Assembly protests.—The governor not sustained.—The court law annulled.—No courts held.—A new Assembly.—The Assembly resolute.—The secret session.—The governor makes terms.—Courts re-established.—The Cherokee war.—The western counties desolated.—Fort Dobbs attacked.—Bethabara threatened.—Walnut Cove surrounded.—Conditions more peaceful.—King George III.—Some differences reconciled.—At the end of the war.—The council declares its patriotism.—Population.—The Indians.—Abortive efforts for free schools.—The courts.—Religious conditions.—Republicanism rife.—British views with reference to America.—The right to tax claimed.—The Assembly of 1764.—The *Weekly Post Boy* at Wilmington.—Tryon appointed to relieve Dobbs.—The public agitated.—The firm stand of the Assembly.—Claims exclusive privilege of imposing taxes.—The Assembly concurs with Massachusetts.

#### Extracts from Governor Dobbs to the Board of Trade

##### DOBBS'S VISIT TO POINT LOOKOUT

1755

I set out from New Bern April 9, 1755, to view the River Neuse, and proceeded up it near one hundred miles to the falls to see what proper situations were upon that river for the seat of government, as being the most central and convenient for the whole province. The most convenient place is at Stringer's Ferry, on the north side of the river, about four hundred yards from it, upon a gentle rising ground near forty feet higher than the river. It is about forty-two miles by land from New Bern to it.

I arrived here [Portsmouth Harbor] last night from Edenton by water in a sloop. We passed through Albemarle Sound, Roanoke



or Croatan, and Pamlico Sounds, and so over the swash to Occacock Island; and from thence to this road near Core Banks, where I summoned the commissioners to meet me to fix upon a place to erect a fort or battery to protect the ships in the harbor, out of which they were taken by privateers last war. The storms, they tell me, for some years past have made vast havoc among these sandy islands. The opening of Occacock Inlet, betwixt this and that inlet, is enlarged from two to four miles. Beacon Island, which lays betwixt them, within the entrance, is one-half washed away, and become only a dry sand at low water. . . . A town is laid out called Portsmouth, where the merchants propose to erect warehouses to lodge their goods in and load all their goods in large ships here by lighters from the several towns of Edenton, Bathtown and New Bern. The company sailed hence to Virginia about three weeks ago. We hope they are now near their rendezvous. I proceed from this to view the harbor at Cape Lookout and Topsail Inlet. . . . Of Cape Lookout, he says, I have gone up in a canoe within Core Sound, and no vessel being in the harbor, I had no boat to sound it; but all agreed to the depth laid down, and that the French and Spanish privateers had known it of late years, brought in their prizes there, wooded, watered and heaved down their vessels, and sent ashore and killed the cattle and furnished themselves with fresh provisions and excellent fish. . . . This I fixed upon as the only proper place to build a fort upon, but as this harbor is the best, although small, of any harbor from Boston to Georgia, and may be of the utmost consequence to the trade and navigation of England, where all our cruisers can ride in safety, as in a mill pond, and warp out at any time in an hour; where they can wood, water and clean, and be at sea in a few hours; where the whale fishers of the northward have a considerable fishery from Christmas to April, when the whales return to the northward; and where our trading ships may have always a safe harbor upon easterly storms; and the whole bay without, a safe road against all but southwesterly winds, when they can run into the harbor; and since in time of war it has been and will be a place of safety for French and Spanish privateers, to infest the whole coast, I think it should be made a station for our guardships or cruisers.

#### Rowan's administration

On the death of Governor Johnston, Nathaniel Rice,\* who was the ranking councillor, took the oaths of office as presi-

\*Rice was secretary of the province, and Henry McCulloh was appointed to succeed him in that office.





1753

C. R., V, 38

Rowan  
County

C. R., V, 76

New Style

dent, but he himself did not long survive his accession to this dignity. He expired in the following January, Matthew Rowan succeeding him in the administration. Rowan was one of Burrington's councillors, and had for twenty years been of the council and was highly esteemed in the province.

The old Assembly, which had now dwindled away to about sixteen members, continued to meet, one session being held in the spring of 1753, when, among other acts, it passed one recognizing the large immigration to the western section, establishing the county of Rowan, composed of that part of Anson which lay north of Granville's line. This Assembly held its first session in February, 1747; but at that time the year began on March 25th, so that the record in its journal states that it was begun in February, 1746. By a British statute passed in 1750 "the old style" was abolished, and the year thereafter was to commence on January 1st; and two years later eleven days, being those from September 3d to the 13th, inclusive, were omitted from the reckoning in order to readjust and reform the calendar.\*

### The French invasion

Hardly had President Rowan been qualified before matters of great importance claimed his attention. In view of probable encroachments by the French in the interior, the king had directed the governors of the American colonies to be prepared for such an emergency. In possession of Louisiana and of Canada, the French claimed the whole intervening territory, and upon their first movement toward taking possession along the western slope of the Alleghanies, the Ohio Company in 1750 sent to North Carolina for Christopher Gist, then at his home on the banks of the Yadkin, where it approaches the Virginia line, and employed him to visit the Ohio region and make friends of the Indians. Crossing the mountains on the head waters of the Potomac, he went far into the Indian country, breaking the hold of the French upon the tribes there, and the next year he went again to the same region and established the first English settlement

\*The shortest day in the year had fallen on December 10th; now by this rectification of the calendar it became December 21st. March 25th was, centuries earlier, the date of the vernal equinox, and hence was originally made the beginning of the new year.



across the mountains. Governor Dinwiddie now proposed an embassy to the lakes, and a party was formed consisting of George Washington, an interpreter, two Indian guides, and Gist. On the return, Washington, taking Gist as his sole companion, separated himself from the others and successfully completed the journey that made him famous, even at that early age. But the French were not to be deterred from their purpose, and speedily invaded western Virginia. To meet them, Governor Dinwiddie proceeded to organize an army, and North Carolina was called on to assist. In March the Assembly voted an aid to the king of £40,000, of which £12,000 was for the purpose of organizing a regiment of seven hundred and fifty men for service in Virginia; several thousand for the construction of forts, and £6,000 for Starkey's public school; and under this act £22,000 of paper money was struck off. At the moment it was thought that Virginia would provide the supplies for these troops, but that province would not furnish the needed provisions, so in view of the larger expense than was at first contemplated the number of men to be enrolled was reduced to two hundred and fifty. President Rowan appointed Innes to the command of the regiment; and the other officers were Caleb Granger, lieutenant-colonel; Robert Rowan, major; and captains Thomas Arbuthnot, Edward Vail, Alexander Woodrow, Hugh Waddell, Thomas McManus, and Moses John DeRosset. At that early period North Carolina learned the lesson that war is largely a question of finance. The northern counties would not circulate the new currency, as they did not recognize the legality of the Assembly, nor would they pay the taxes laid to meet these bills. This currency would not, therefore, pass in Virginia; so without specie, and our currency being at a great discount abroad, in order to supply these troops the Carolinians drove beef cattle and hogs to Virginia, where they had to be sold at a sacrifice.

Governor Dinwiddie, knowing the capabilities of Colonel Innes, on June 3d tendered him the appointment of commander-in-chief of all the forces to be employed against the French. At that time Colonel Innes was in North Carolina superintending the departure of his regiment, but he hastened to the front, and two days after the Great Meadows disaster

1754

C. R., V, 392

Innes'  
regiment  
1754

C. R., V, 323

C. R., V, 125  
Innes  
commander-  
in-chief



1751

C. R., V,  
130-133

reached Winchester, and hurrying on to Wills Creek, took formal command. After that reverse it appeared to Governor Dinwiddie that the available force was not sufficient to attack the French, who had fifteen hundred men, while Innes had but seven hundred and fifty; and because it was not thought well to advance for the want of provisions, Governor Dinwiddie suggested that the troops be scattered, some being sent to Alexandria and some stationed at Winchester. The supplies for the North Carolina troops becoming exhausted, and Virginia being unwilling to furnish any, on August 11th, at Winchester, the North Carolina regiment was disbanded and sent home, leaving for defence only about one hundred and fifty troops, which Virginia had at the front. Colonel Innes remained in command until October, 1754, when he was superseded by Governor Sharpe, of Maryland, who had been particularly designated by the king to be the commander-in-chief; but although superseded, Innes continued in service as camp master general, completed the construction of Fort Cumberland, made treaties with the Indians, and organized the forces.

Decision of  
the vexed  
question

While these matters were in progress North Carolina affairs had received attention in London. Upon being informed of the death of Governor Johnston, the king, on January 25, 1753, appointed Arthur Dobbs to succeed him.

C. R., IV,  
73

Governor Dobbs had apparently been interested in North Carolina matters as early as 1733, and in 1735 had a grant of twelve thousand five hundred acres on Deep River and one for sixty thousand acres on Black River, in New Hanover Precinct. He also had a grant for a large territory between Salisbury and the Catawba Indians, and on these tracts in 1757 there were some seven hundred inhabitants. His interest in North Carolina was so active that in 1749 he had co-operated in the movement to have Johnston removed.

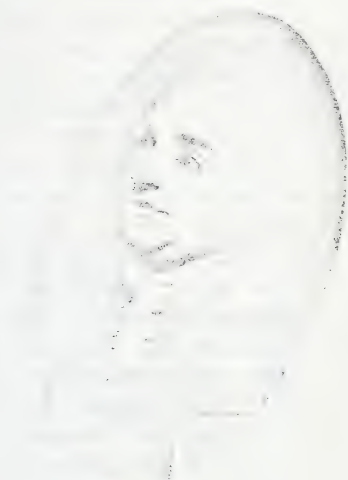
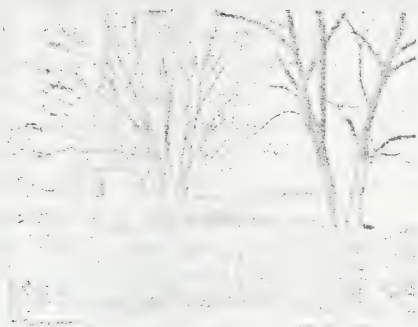
Following his appointment, the Board of Trade being directed to prepare instructions, were confronted with the various undecided questions relating to the province that had been so long before them, and which they now took steps to have determined.

C. R., V, 81,  
108, 113-116

The whole constitution and all the laws of the province were at their instance subjected to a very close examination.







1. ST. PAUL'S CHURCH, EDENTON  
 2. ARTHUR DOBBS  
 3. HUGH WADDELL  
 4. COURT HOUSE, EDENTON



The law officers thought that the usage which had prevailed, by which the old counties had five representatives, was not shown to be illegal; but they considered that fifteen might properly be a quorum of the Assembly. In their opinion the king's prerogative extended to the establishment of counties and the incorporation of towns, and fixing their right of representation, and they held that those matters were not within the cognizance of the legislature.

Since fifteen was held a quorum, the Assembly of 1747, which was still in existence, was a legal body, and all its acts were valid until repealed. But the act depriving the northern counties of their five members, it was considered, had been passed by management, precipitation and surprise, and that, together with the act fixing the seat of government and establishing the circuit court was for that reason declared inoperative. In conformity with the recommendation of the law officers, instructions to Governor Dobbs were drawn, directing the repeal of all laws establishing counties, and ordering him to issue charters for counties and for towns and to fix their representation in the Assembly; and also to repeal all laws establishing places for holding the courts and for a seat of government. Likewise the acts relating to quit rents were repealed, and the rents were again declared to be payable only in money; and also many other laws that had long been in use in the province were now annulled by the king. Indeed, the whole constitution was reformed and the Assembly was shorn of many of the powers it had exercised. Still, the exclusive right to levy taxes remained to that body, and the power now claimed by the Crown to fix the seat of government and establish courts could avail but little if the Assembly would not provide the means to make it effective. Since the acts establishing counties and allowing representation were annulled and no longer in force, the governor was directed to issue his writ for the election of an Assembly to consist of sixty members, each county having the particular representation which the Crown had fixed and allowed it, being, however, exactly the same as before the act of 1747, except that some counties and towns were overlooked and inadvertently omitted.

About the end of July, 1754, Governor Dobbs sailed from

1754

C. R., V, 81,  
108, 113-116Instructions  
to Governor  
Dobbs  
C. R., V.  
1107



1754

England, and reached Virginia after a voyage of ten weeks. For more than a month he was engaged in arranging with Governor Dinwiddie and Governor Sharpe of Maryland the details of a plan of campaign against the French, and he reached New Bern only at the close of October. Immediately on arriving he proceeded to make himself acquainted with the affairs of the province, and called for a militia return. As indicating the extension of population at that time, Bertie reported 720 men for military duty; Northampton, 737 men, which was thought to be 200 short; Edgecombe, 1317; Granville, 734; Orange, 490; Anson, 790; and Rowan, 996. At Wilmington, Governor Dobbs found seventy families and at Brunswick twenty. There were sixteen vessels in the Cape Fear River, while it was estimated that one hundred came in annually. Eighteen feet of water was reported at the bar. At Wilmington a good town house had been built, and a brick church stood ready for the roof; while at Brunswick the church, also of brick, was not quite so far advanced. Forts had been begun below Brunswick, at Ocracoke and at Beaufort.

C. R., V, 161  
Population

C. R., V, 153

The Indian  
inhabitants  
C. R., V,  
161, 321

The Indian war being in progress,\* particular inquiries were made as to the location of Indians in North Carolina. In Bertie County there were reported a hundred warriors of the Tuscaroras and two hundred women and children. In Chowan, two men and three women and two children. In Granville County there were the Saponas, with fourteen men and fourteen women. The Meherrins had seven or eight fighting men in Northampton. The report concludes: "These are all the Indians except about eight or ten Mattamuskeet Indians, and as many on the islands or banks, a total of twenty." The reports of the colonel of Bladen County and of Captain William Davis, who had a troop of light horse, both said "no Indians" in that county. Colonel Rutherford of that county, who was also the receiver-general, added this memorandum: "Drowning Creek, on the head of Little Peedee, fifty families, a mixed crew, a lawless people, possess the

\*At the first session of the general court for the southern counties, including Rowan, after the arrival of Governor Dobbs, the grand jury, in an address to him, stated that seventeen persons had been murdered and ten carried off by the Indian enemy.





lands without patent or paying quit rents; shot a surveyor for coming to view vacant lands, being enclosed in great swamps. Quakers to attend musters or pay as in the northern counties." These reports show that there were no Indians there, but that some fifty families of mixed blood had settled themselves on Drowning Creek. These doubtless were the same people who in more recent times have been called Croatan Indians. Their origin is obscure, but probably they came up from South Carolina—"a mixed crew." Quakers had settled at Carver's Creek as early as 1740.

1754

The  
Croatan

Governor Dobbs on his arrival issued a proclamation dissolving the Assembly of 1747, and calling for the election of new members. His writs were directed to all the counties conformably to his instructions, and five members were once more returned from the northern counties. Thus the end had come of the "Long Assembly," and the northern counties rejoiced in their right to send five representatives, while the new counties had but two.

The  
unarmed  
rebellion  
successful

When the new Assembly convened, in December, 1754, the animosities that had so long existed between the sections had not subsided, and for speaker there was a tie vote, the candidates being Sam Swann, the speaker of the last Assembly, and John Campbell, who respectively represented the warring factions. Some of the northern members had not then come in, while Swann had no hope of any considerable accessions to his supporters, and so, realizing his defeat, he withdrew from the contest and Campbell was unanimously chosen. In their reply to the governor's address the Assembly said: "We shall endeavor to obliterate the remembrance of our former contests and the ill consequences that attended them;" and in an address to his Majesty they returned their sincere thanks that he had been pleased "to examine the constitution of the province and to repeal several laws repugnant thereto, whereby the people, by your Majesty's favor, are restored to their ancient rights and privileges, and the contests which subsisted among us are happily terminated."

C. R., V., 254

Campbell  
speaker

After Governor Burrington's time the governors had kept their instructions private, except such as were particularly intended to be made public. Governor Dobbs now laid before

C. R., V.,  
213, 240, 254



1754

Court law

the Assembly his instructions claiming for the king the right to select a place for the seat of government and to designate the places at which courts should be held. Although this was in derogation of the long-established power of the legislature, the Assembly without making any point of it conformed its action to the king's command, and when considering a bill establishing supreme courts of justice, requested the governor to designate the several places where he would appoint the courts to be held. The governor designated New Bern and Edenton for the counties near those towns; Enfield for Northampton, Edgecombe and Granville; Salisbury for Rowan, Orange and Anson, and Wilmington for the Cape Fear counties. Thus a new court law was passed in 1754.

Counties and  
towns re-  
established

In regard to the repeal of the acts establishing counties, the Assembly requested the governor to solicit the king not to repeal them because of the many inconveniences that would ensue, and further, that he would allow the Assembly to continue to establish new counties, reserving to the king the power of granting charters to towns, establishing fairs and appointing places for holding courts of justice. Agreeably to this request, the governor recommended to the Board of Trade that the desire of the Assembly should be complied with, and in June, 1755, additional instructions were given, allowing the Assembly to re-enact all laws establishing counties and towns, provided that they should contain no clause allowing representation, as that was to be the exclusive right of the king.

C. R., V, 406

C. R., V,

342  
Tower Hill  
as site for  
capitol

For the seat of government the governor selected a site at Tower Hill, near Stringer's Ferry, on the Neuse, but he had been instructed not to definitely locate it except after consultation with the Assembly. In 1756 he brought that site to the attention of the legislature, and a committee was appointed to examine and report upon it, which they did favorably.

Governor Dobbs also communicated to the Assembly a proposition from George Vaughan, of Lisbon, Ireland, who had called his nephew, John Sampson, home from Duplin County and arranged the details of a plan to transport immigrants to that county, and had purchased a ship



for that purpose, and also to engage in trade, with a view of creating a fund for the establishment of a seminary, with the expectation that the Assembly would lay a tax on all the negroes in the province to increase it: but the Assembly did not act upon the subject of the seminary. On the contrary, the £6,000 then in hand to establish a public school was diverted for purposes of defence.

1755

The war had been conducted with but ill success, and now a company of one hundred men was raised to serve at the north for a year and ten months, and fifty men were enlisted to defend the western part of the province. Of the former, the governor's son, Edward Brice Dobbs, an officer of the British army who had accompanied his father, was appointed the captain, and that company joined the army in Virginia, then under the command of General Braddock. General Braddock was sent from England with several British regiments and was invested with supreme command of military affairs in the colonies. He led his forces into the mountains near Fort Duquesne, where on July 9th he suffered a terrible defeat, himself being killed. Captain Dobbs's company was fortunately not in this disastrous engagement, being with Colonel Dunbar, at that time scouting in the woods. After this defeat, Colonel Dunbar, who succeeded to the command, precipitately withdrew to Philadelphia, leaving Colonel Innes in command at Wills Creek, and the North Carolina company remained there with him on the frontier. However, during the summer Colonel Innes, being very much dissatisfied with his situation and the management of affairs, resigned and returned home.

The French  
and Indian  
war

1755

On our own western frontier some of the Indians had become hostile, in one settlement having slain some fifteen persons and carried off captive about an equal number. They ranged at will through the frontier settlements and caused much apprehension in the western districts. To arrest them, Captain Waddell, with a company of frontiersmen, scouted along the mountains.

The  
frontier

In the summer of that year, 1755, Governor Dobbs visited the western part of the province, passing through Salisbury, which then consisted of seven or eight log houses and the court-house. He viewed his extensive tract of land in that





1755

C. R., V.  
355, 356  
Dobbs visits  
the West

vicinity, lying on Rocky River and its branches, which had been patented in 1746, and he found seventy-five families located on it. He visited between thirty and forty of them, each having from five to ten children, who went barefooted and with a single garment in warm weather; while no woman wore more than two thin garments. They were Scotch-Irish Presbyterians, who had settled together in order to have a teacher of their own opinions and choice. Besides, there were twenty-two families of Germans or Swiss, all industrious. They raised horses, cows, hogs and sheep; Indian corn, wheat, barley, rye and oats; made good butter and tolerable cheese, and had made good success with indigo. Captain Waddell was then on the frontier, and Governor Dobbs selected an eminence with good springs on Third Creek for a fort of refuge for the settlers, which was afterward begun by the people and finished by direction of the Assembly. It was named Fort Dobbs in his honor. The southern Indians, however, remained faithful to the whites, and the troubles at that time were soon quieted.

C. R., V.  
357

1753  
Moravians

In November, 1753, the Moravians, coming by way of Winchester and Saura Gap, made their first settlement on the land Bishop Spangenberg had purchased on the Yadkin, calling it Bethabara. The hostile Indians at the north now drove many settlers from Pennsylvania to North Carolina, where they located on Muddy Creek, South Fork, and neighboring streams. Many also stopped at Bethabara. For protection against the Indians the Moravians enclosed their mill and settlement with palisades, but they were not interfered with. In 1758, many Cherokees and Catawbas, going north to aid the English, passed through the Moravian settlement, being well provided there with provisions and otherwise kindly treated. It was during this period of war, when information of passing events was eagerly sought, that the first newspaper was published in the province. Franklin, the postmaster-general for the colonies, in the summer of 1755 appointed James Davis, the printer, postmaster at New Bern; and the following October the Assembly authorized a post to be run every fifteen days between Suffolk and Wilmington, Davis undertaking to send the messengers; and he also conveyed at stated periods letters and packages to

C. R., V.  
1148

Clewel,  
Hist. of  
Wachovia

Weeks, Press  
of North  
Carolina in  
Eighteenth  
Century, 16



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every county in the province. This opened the way for Davis to issue a newspaper, and probably in December, 1755, he began the publication of the *North Carolina Gazette*. The *Gazette* continued to furnish its readers with "the freshest advices, foreign and domestic," at the price of sixteen shillings per annum, for six years, when, perhaps because unremunerative, the publication ceased.

1756

At the third session of the Assembly, which met on September 30, 1756, Speaker Campbell was unable to attend because of ill health, and Sam Swann was chosen speaker. The necessity of maintaining a force in the field was now thoroughly appreciated by the Assembly, and strenuous efforts were made to co-operate with Governor Dobbs. £4,000 were appropriated for the erection of the fort at the west, and another company, under Captain Andrew Bailey, was employed in that quarter.

C. R., V,  
653, 717

Fort Dobbs

In the spring of 1757 South Carolina was threatened by the Indians on her frontier, and two-thirds of the militia of the lower counties were ordered to be held in readiness to march to the assistance of that province. To supplement the forces in Virginia, especially in their scouting operations, bands of Indians from the Meherrins and Tuscaroras, as well as the Catawbias, were sent northward to join the army now under the command of General Forbes. Captain Dobbs's company, as well as Captain Caleb Granger's and Captain Arbuthnot's (with whom were Lieutenant Henry Johnston, Lieutenant Ferguson and Ensign David Rogers), and also Captain McManus's company (John Payne being one of the lieutenants), after serving in Virginia, were formed into a battalion and sent to New York under the command of Captain Dobbs, who was now promoted to be major. There Captain Granger's company served in the Crown Point campaign. On the return of Lieutenant Payne, he was promoted to be captain, and later he marched his company to South Carolina.

C. R., V,  
xxv et seq  
C. R., V,  
907  
Haywood,  
Beginning  
of Freema-  
sonry in  
North  
Carolina. 4Service at  
the North

In 1758 two other companies were raised, one for Fort Johnston, under Captain James Moore, who also led his company to South Carolina; and one for Fort Granville, on the coast, under Captain Charles McNair. During that year 300 men were sent to join General Forbes; 200 went by sea,

C. R., V,  
967



1758

and 100, taken from the western frontier, passed up the Valley of Virginia, and with these troops were a number of Cherokee Indians, the whole battalion being under the command of Major Hugh Waddell, who had won great fame for his courage and capacity.

Waddell,  
A Colonial  
Officer, 61

C. R., VI,  
384

Nov. 25,  
1758

McCulloh's  
grants  
C. R., V,  
xxxiii, 1106

William Pitt was now at the helm of affairs in England, and was prosecuting the war with great vigor. The disasters of the previous campaign were to be succeeded by strenuous endeavors for victory. In Virginia, General Forbes pushed forward toward Fort Duquesne; but winter set in while he was still forty miles from his destination. In that mountainous wilderness, without information, and ill prepared for a siege of the fort or to pass the winter in that desolate region, the general was in such sore straits that he offered a reward of £50 to any one who would capture an Indian from whom information could be obtained. Sergeant John Rogers, of Waddell's command, fortunately succeeded in taking an Indian alive, and because of the information gained from him the general, who was contemplating a retreat, discarded that purpose, continued his advance, made a forced march, and found that the enemy had on his approach abandoned their stronghold. Passing into the hands of the English, Duquesne was at once named Fort Pitt, in honor of the great war minister; and the Indians came in and made treaties of peace, which secured a cessation of hostilities along that frontier.

During this period of the war and unrest the controversy between Henry McCulloh and Granville, within whose territory some of the McCulloh grants had been located, was brought to a conclusion by an agreement that McCulloh was to become Granville's tenant, and in lieu of all other rents he was to pay an annual sum of £400 from 1757 until 1760, after which date he was to pay four shillings for every hundred acres of land retained by him, but he was to reconvey and surrender to Granville all lands not then settled. As the period for settling McCulloh's grants in the king's domain was about to expire, in 1756 he petitioned that because of the wars and difficulties he be allowed three years' additional time, and accordingly the time for settlement was extended for him until 1760, when he was to surrender his grants, retain-





ing only two hundred acres of land for each white person settled by him in the province.

1758

At first Governor Dobbs appears to have gotten on quite well with the Assembly. The matter of quit rents was not so interesting to the people as formerly, not only because half of the province had been conveyed to Granville, but on the growth and development of the colony, the thickening of population and the general advancement in prosperity it was not so essential that the rents should be paid in farm produce, and the determination of the Crown that they should be paid in money no longer met with serious resistance. But the instructions of the Crown officers limiting the powers of Assembly caused some dismay among the leaders both at the north and at the south; and there was evidently a spirit among them to come together again. Indeed, neither side could boast a complete triumph over the other, for the action of the Assembly in 1747 fixing a quorum at fifteen and proceeding with legislation in the absence of a majority was upheld, and while the two important acts which the northern members protested against were annulled, that action was not taken on their ground and their position was not sustained; and the subject-matters of those acts were taken entirely from under the power of the Assembly and declared to be within the prerogative of the Crown. Necessarily, there were personal antagonisms which only time could heal. The defeat of Swann at the opening of the new Assembly was to have been expected, and his election as speaker at the third session indicates that progress had been made in the direction of restored fraternal relations. The general desire to co-operate in measures of defence appealing to their patriotism doubtless also conduced to healing the breaches.

Internal  
affairs

At the session of November, 1758, the Assembly complimented the governor by locating the capital at Tower Hill, and by creating a new county, embracing the seat of government, which was called Dobbs in his honor; and it also laid a tax to pay the salaries of the chief justice and attorney-general.

Dobbs  
County  
S. R. XXIII  
444, 495

But notwithstanding this disposition on the part of the Assembly to be complaisant, there was a divergence between the Assembly and the governor, who seems to have developed

The  
governor  
arbitrary





1758

an arbitrary and exacting spirit and would brook no opposition to his purposes. Old, self-willed and petulant, he appears to have regarded himself as a ruler rather than as a mere executive officer, and he sought to constrain rather than to influence.

The king's  
bounty

It was known that to reimburse the colonies for their war expenditures the Crown proposed to allow £200,000 for distribution among all of them, and £50,000 was to be given to the southern colonies exclusively. The control of that part of these funds which would be allotted to North Carolina now became a subject of difference between the Assembly and the governor. The governor asserted his prerogative to dispose of the money, while the Assembly claimed the right to use it in their own discretion; and also the right to appoint an agent for the province and to select the committee to correspond with him and give him directions. The governor very emphatically denied all these claims. In the bill locating the seat of government at Tower Hill no appropriation had been made for the construction of the public buildings; but in a second bill granting an aid to the king and providing for the equipment of three companies to consist of one hundred men each there were embodied provisions appropriating out of the expected funds £4,500 for the erection of the government houses, and also appointing James Abercromby agent for the province, and designating Sam Swann, Thomas Barker, John Starkey, George Moore and John Ashe as a committee of correspondence. The governor objected to this bill, as it was in conflict with his notions of the rights of the Assembly, and determining to defeat it, he resorted to what he called *finesse*. Going among his friends in the council, he suggested to them not to oppose either of the two bills and to let the objectionable aid bill go to the third reading, excepting some trifling matters of amendment. Thus a bill locating the seat of government was passed; but when the aid bill came up the governor procured the council to postpone it for some days, and in the meantime he prorogued the Assembly. He himself described the result: "Upon this disappointment the lower house were all in a flame, the managers being greatly disappointed, and represented to me that there must be a dissolution unless the

Causes of  
difference  
C. R., VI,  
1-3

C. R., V,  
1087

The house  
outwitted  
C. R., VI, 3



upper house would resume the bill." It ended, however, in the house appointing Abercromby their own agent for two years and appointing their own committee of correspondence, and in their making an address to the Crown praying that a part of the sum allowed North Carolina should be laid out in purchasing glebes and establishing free schools in each county. By the governor's action the aid bill was defeated, and no provision was made for raising troops for defence at that time. Spring was not over, however, before the need of more forces at the north resulted in pressing calls on Governor Dobbs for additional troops, and he was driven to the necessity of hastily summoning the Assembly to meet at New Bern. The house convened on May 8, 1759, and proceeded to pass an aid bill exactly similar to the one that the governor had succeeded in defeating by his boasted *finesse*. The upper house, however, amended it by striking out all the sections not pertinent to the raising of troops, to which the Assembly not agreeing, it was prorogued, and the session ended without the adoption of any measure whatsoever. Necessarily these causes of difference led to much irritation, which was emphasized by the governor's non-action in regard to disturbances in the interior of the province.

On January 24, 1759, there were riots in Granville's territory, and a number of citizens who were discontented at the frauds practised by Granville's agents and their entry takers and surveyors forcibly took possession at night of the house of Francis Corbin, the chief agent, and seized him and carried him off some seventy miles, and held him in duress until he gave a bond. And Robert Jones,\* then attorney-general, made affidavit that the rioters intended to silence him, or "to pull deponent by the nose and also abuse the court," and unless they were suppressed "there would be no safety in the counties in which they lived."

Because of this lawlessness the Assembly addressed the governor and pointed out that no steps had been taken to punish the offenders and requested that the chief justice and other justices and other officers should be required to exert themselves and bring the guilty parties to punishment; and also requesting that if it should be necessary the regiments of

\*The father of Willie and Allen Jones.

1759  
C. R., V,  
1794  
Dec., 1753  
Free Schools  
John Ashe's  
address

May, 1759  
C. R., VI,  
49

The Enfield  
riots

C. R., V,  
vii

The  
Assembly  
protests  
C. R., VI,  
105, 106





1759

militia in the several counties might be called out to assist the civil powers, cause obedience to the laws and restore peace and order; and the Assembly loudly complained that the governor had taken no action in this matter, but, on the contrary, had seemed to lend it his countenance by appointing men engaged in the riots to be magistrates and to hold other positions under the government.

The  
governor not  
sustained

During the summer the Board of Trade at London received from the governor his letter enclosing the rejected aid bill, together with his reasons for not allowing it to pass, which he put on the ground that the bill diminished his Majesty's prerogative. In their reply the Board said that the proposed act did not appear to them to have that effect "to such an extent as you seem to apprehend." They sustained the Assembly in their claim to have the right to appropriate the funds allowed them by the king; and also in their right to appoint an agent, and they asserted that they saw no ground to disapprove the aid bill in its abstract principle; still they concurred in the view that separate matters embraced in the measure ought not to have been incorporated in one act; and they also thought that the committee of correspondence, while properly appointed by the legislature, ought to have included some members of each house. Although urged by the governor to repeal the act of 1754, by which the Assembly had appointed the treasurers, the Board peremptorily refused to do so, saying that the practice of appointing treasurers by the legislature, and even of making them responsible to only one house, had prevailed so long that it would be improper to interfere with it. It would seem that these decisions so adverse to the positions taken by the governor, and so clearly sustaining the Assembly in its view of these matters, might have led to some abatement of Governor Dobbs's arbitrary conduct, but having once assumed a position antagonistic to the popular leaders, he became more strenuous in his opposition rather than complaisant.

The court  
law annulled

About that time there came over instructions repealing the act fixing the seat of government at Tower Hill, for the Board said that it was only intended that the Assembly should recommend a location, not definitely fix the place; and also





repealing the act of 1754 establishing supreme courts and enlarging the jurisdiction of the county courts. By that act the office of associate justice had been created, the appointees to hold during good behavior, and in the absence of the chief justice they were to exercise full jurisdiction. As a qualification for appointment they were to have been barristers of five years' practice in England or attorneys of seven years' practice in this or an adjoining province. These features were objectionable to the Board of Trade, for they restricted the power of the king to select, thus encroaching on his prerogative, and they also rendered the justices independent of the Crown. The bill therefore had been annulled by the king, while the former court law of 1746 had been repealed by the Assembly. So the province was to be left without any court system whatever. Under these circumstances the governor deemed it prudent to withhold the announcement until the next session of the Assembly, which was to convene in December. When the Assembly met, in view of these new instructions, the lower house prepared another bill to establish courts that would be free from the particular defects that had led to the repeal of the original act; but this new measure was not agreeable to the governor and council, who objected to the manner in which the judges were to be paid and to the judicial power conferred on the associate justices provided for in the bill, and it failed to pass the upper house. So for a time—eight months in 1759 and 1760—there was a cessation of the courts in the province.

The governor had received among other instructions one forbidding him to assent to any act making paper money a legal tender; he was also informed that he might call a new election for assemblymen if he should choose to do so. Thereupon he dissolved the Assembly, it having already held nine sessions, and issued writs for the election of assemblymen to meet on April 22, 1760. The differences between the governor and the leaders now came to an acute issue, and the year 1760 is notable for its conflicts. It is also notable as the beginning of the practice of passing temporary court laws.

One of the reasons why the governor had not previously dissolved the Assembly was that he did not know how to

1759

C. R., VI, 56  
150

No courts

Currency



1760

apportion the representation. Most of the counties and towns had applied for charters of incorporation, but some had not. In issuing his writs for the election he omitted Tyrrell and other counties and some of the towns. Where elections were held, however, the Assembly admitted the members without regard to the writs, falling back on the old constitution of the colony and ignoring the claim set up by the Crown that it had a right to apportion representation at its will. Thus originated another cause of conflict with the governor.

The particular object the governor had in view in calling the Assembly was to have passed an aid bill, as great military efforts were in contemplation for the ensuing campaign. But riots and disorders had continued in Edgecombe, Halifax and Granville counties, and the Assembly was in ill-humor at the governor's conduct in not seeking to suppress them. It adverted to the scenes of violence that had disturbed the peace of the province, and dwelt on the fact that there were no courts in existence to curb and restrain the lawless people; and it declared it would pass no aid bill until the superior court bill was assented to. The governor, on the other hand, was firm in his purpose to come to no terms with the popular leaders and would not assent to the court bill. Finally, after some heated controversy, on May 23, 1760, the house, animated by a spirit of defiance, took bold action. It resolved itself into a committee of the whole, and warning the members that if any one should divulge what might be said in the debate he should be dismissed from the house, spent five hours in considering the action of the governor, and adopted a series of twenty resolutions aimed against him, and declaratory of his arbitrary conduct, and also prepared a long address to the king complaining very bitterly of his Excellency, which was to be presented by the agent of the province and was not to pass through the governor's hands at all. This resolute action apparently made some impression on the governor, who then proposed to come to terms, offering to prorogue the Assembly for three days, and agreeing that if they would pass an aid bill, and also the court bill, with a clause limiting its operation to two years unless ratified by the king, he would assent to it in

Secret  
session  
May, 1760

The  
governor  
makes terms  
C. R., VI,  
410-414



that form. This gave some hope of the establishment of courts and of correcting the disorders that threatened the peace and prosperity of the province, and so the leaders of the Assembly assented to the proposition and a court bill was passed similar to the previous one—the associate justices were to be skilled lawyers and were to hold during good behavior. With this beginning, for a period of more than ten years it became the practice to pass a court bill in that form, by which the duration of the courts became subject to a limitation of two years. Also under the agreement the house passed an aid bill, but the governor now had changed his mind as to the aid bill, and as he did not like some of its provisions, especially deeming the bounty offered for enlistments too small, and as he considered that the pressing necessity for raising troops no longer existed, he chose not to assent to it. At that time there was also a divergence between the two houses, for the upper house would not pass the bill appointing Abercromby the agent, so the house passed another appointing Mr. Bacon, which, however, shared the same fate. The clash involved matters of right and power and the privileges of the respective bodies, the lower house claiming the exclusive right of designating the agent, and also of selecting the committee of correspondence, which the upper house would not assent to. The house then by solemn resolution appointed Bacon agent of the Assembly, not of the province. In the midst of the turmoil the governor prorogued the Assembly until September 1st.

1760  
C. R., VI,  
420, 425, 437

C. R., VI,  
437

#### The western counties desolated

While the governor and Assembly were engaged in their controversies conditions in the western part of the province became deplorable. In October, 1759, the people who had made their homes on the waters of the Yadkin and Catawba heard with dismay that the Creeks and Cherokees, theretofore friendly, had declared war against the English. Bands of Indians began to pass the defiles of the mountains and roam along the foothills. A reign of terror set in. Accounts of atrocities and butcheries and of destroyed homes came thick and fast to Salisbury and Bethabara. They were intensely

Clewell,  
Hist.  
Wachovia





1760  
The  
Cherokee  
war

Fort  
Defiance

harrowing, while some of the escapes were marvellous. Many brave men, reluctant to abandon their homes, fortified them with palisades, and forts or stronghouses were erected where neighboring families could assemble for safety. The men slept with their rifles at hand, and the most resolute were in dread of stealthy attack, of ambush and of having their houses burned at night. It was then that Fort Defiance and other forts in that region were hastily constructed by the people.

Fort Dobbs  
attacked

Bethabara  
threatened

The narratives of those who escaped massacre were heart-rending, while many men, women and children fell victims to the cruel tomahawk of the merciless foe. Few particular accounts of these individual experiences have been preserved; but all the section west of the Catawba and of the upper Yadkin was desolated. Fort Dobbs, where Colonel Waddell was stationed, was, on February 27, 1760, unsuccessfully assailed by the hostiles; and information came through the "Little Carpenter" that Bethabara would be attacked, and preparations were made for the defence. At length a large body of Cherokees stealthily surrounded the town; but hearing the village bell ring, they supposed themselves discovered and retired. Again they approached just as the night watchman blew his trumpet, and they withdrew, and then desisted, although during that spring they remained for six weeks in the vicinity devastating the country. Among those who found refuge at Bethabara was a farmer named Fish and his son, who had escaped from their home on the Yadkin. Anxious to see if their house had been burned, they prevailed on another refugee, a stranger, to return with them to ascertain. On the way they were ambushed. Fish and his son fell, while the stranger was pierced by several arrows, one of which, passing through his body, protruded from his back. However, he escaped the Indians, and seeking to return, forded the Yadkin, where he soon saw another company of savages approaching. Again plunging into the river, he crossed and succeeded in eluding them. A storm set in, and he wandered all night in a pelting rain, suffering torture from his wounds, and in dread of being overtaken. Thus passed twenty-four hours, when at length he reached Bethabara, where the arrows were skilfully extracted by the good



Dr. Bonn. Unfortunately the name of this man was not recorded.

1760

A detachment of soldiers marched out to give burial to the bodies of Fish and his son. On their way they found a farmer besieged and defending his home, which the savages had already succeeded in setting on fire. They quickly drove the hostiles off and saved the farmer and his children. The next day, March 12th, came an appeal for help from Walnut Cove, which was surrounded by the Indians. A company hastened to their rescue and brought in the survivors. A farmer, Robinson, had constructed a palisade around his house and resolutely made defence. Eventually he was driven from it into his log house, where he continued the struggle. At length his last load of powder was exhausted and he and his wife and children fell victims to the bloody tomahawk. Soon, however, sufficient soldiers arrived to secure protection, and on Easter Sunday, 1760, as many as four hundred soldiers attended the church services at Bethabara.

Walnut  
Cove  
desolated

The Assembly had been prorogued until September, but on receiving information of a general uprising of the Indians, and learning that the militia had refused to march beyond the limits of the province, Governor Dobbs convened the houses again on June 30th. All were now of one mind. An aid was at once voted to the king; a force of three hundred men was raised for service, the militia was organized, and authority was given to embody them for defence.

June, 1760

At a subsequent session held in November, 1760, there was a purpose to send five hundred men to co-operate with Virginia and South Carolina against the Cherokees; but in the aid bill then passed the Assembly had named the agent at London, whom the governor disapproved of, and for this reason he rejected the bill and prorogued the Assembly, which reconvened in its fifth session on December 5th to reconsider its action; but the house was firm in resisting the blandishments of the governor, who then dissolved it. The tide of war had rolled away from the borders of the province and the necessity for harmonious action had passed.

C. R., VI,  
439C. R., VI,  
513

In February, 1761, information being received of the accession to the throne of the young king, George III, he was

1761  
King  
George III  
C. R., VI,  
520



1761

proclaimed with great enthusiasm amid the firing of cannon on the Cape Fear, and writs for a new election of assemblymen were at once issued, and the body convened on March 31st.

C. R., VI,  
552

When the Assembly met it lost no time in upbraiding the governor with his defeat of the aid bill, and because he had called the Assembly together at Wilmington instead of at some more convenient point, and the disagreement was pronounced. Rev. Mr. Moir wrote April 13th, while the Assembly was in session: "The misunderstanding between the governor and leading men of this province still subsisting, we are as unhappy as ever." But in the end the Assembly became more complaisant; a committee of correspondence was appointed embracing members of both houses, and a new agent was named, probably not objectionable to the governor—these, as at the previous session, being features of the aid bill, which the governor now approved. At the same session the tax to pay the salaries of the chief justice and attorney-general was increased.

C. R., VI,  
539The  
Assembly  
sustainedAshe  
speaker

In the meanwhile the Board of Trade had written to Governor Dobbs that he had no right to interfere with the appointment of the agent by the Assembly, but that he should urge the house to conform to the instructions of the Crown and recognize fifteen members as constituting a quorum, and to pursue the same method in regard to paying out moneys and auditing accounts that was in use at home.

A new election was called, the Assembly meeting in April, 1762. At that session Sam Swann, who had since 1743, with a single interruption, been the speaker, retired from that office, and his nephew, John Ashe, succeeded him. In all the controversies with Johnston and Dobbs, Swann had been the great leader. Indeed, on one occasion Johnston had silenced him as a lawyer, and Dobbs felicitated himself that as extreme as had been his own action he had never gone to that length.

The council

Differences between the Assembly and council, whose membership since the purchase by the Crown thirty years before had been changed only on the death of its members, and which was now composed of Hasell, Rutherford, DeRosset, Spaight, Sampson and McCulloh, led those gentlemen to say





to the Assembly: "We apprehend ourselves as nearly concerned in the blessings of liberty and property as any other inhabitants of this province, and shall ever with cheerfulness concur with you in every measure that to us shall appear conducive to the securing of these most valuable blessings." A new court law was passed that year, in which provision was made for an associate justice at Salisbury.

In conformity with political and religious conditions, it was considered that efforts should be made to maintain the Church of England as the national church in the province. From 1701 there had been parishes and vestrymen and some provision made for supporting clergymen of the established church. But so little effort was made to carry the law into effect that often there were only one or two clergymen in the province. As the province grew and the policy was introduced to fashion the government on the model of the mother country, renewed efforts were made in this respect. The vestry act of 1760 being repealed by the king, in 1762 another act was passed, which, however, was also disallowed because the appointment or employment of the ministers was conferred on the vestry and not allowed as a privilege of the Crown, although under that act all ministers employed had to hold the license of the Bishop of London. Thus it happened that in the autumn of 1762 all the vestries in the province were dissolved and the entire church system disorganized. Two years later, however, a new act was passed, in which the vestries were given power to levy a ten-shilling tax toward building churches, maintaining the poor, paying the readers and encouraging schools in each county.

Under Pitt's able administration the war had been so vigorously and successfully pressed that in the fall of 1760 Canada was conquered and the Indians brought into peaceful relations with the English. Three years later a treaty of peace was signed, by which the British Empire extended from the Gulf of Mexico to Hudson Bay and from the Atlantic to the Mississippi; and the colonists, now freed from fears of foreign foes, could devote themselves more exclusively to home affairs. The tide of immigration that ten years earlier was setting so strongly to western Carolina was, however, checked because of the Indian war. Yet at the conclusion

The vestry  
act

S. R., XXIII,  
605

Peace of  
Paris,

C. R., VI,  
1027, 1040



1762  
C. R., VI,  
1030 of peace North Carolina had a population of about 100,000 whites and more than 10,000 negroes. On the Cape Fear were forty saw-mills producing some 30,000,000 feet of lumber annually, and there were exported from that river 36,000 barrels of naval stores.

Indians  
C. R., VI,  
616 The Indian aborigines had nearly disappeared. On a reservation of ten thousand acres on the Roanoke were congregated all that remained of the Tuscaroras, the Saponas, and Meherrins. Of the first there were one hundred braves, of the last two only twenty each. The Catawbias had numbered three hundred warriors, but in 1761 so many were swept off by smallpox that only sixty braves remained, an equal number of women and hardly more than one child to each pair.

C. R., VI,  
995 The remnants of the Hatteras Indians appear to have joined the Mattamuskeets on their reservation in Hyde, where were only some seven or eight Indian men. Originally it was said that the Indians had a violent antipathy to the negro, but in time that repugnance seems to have subsided, and there was some admixture of the two races.

The free  
schools Educational facilities in the province were limited. In 1749 John Starkey introduced a bill making an appropriation of £6,000 for a free school, but in 1754 that money was used for other purposes. Another appropriation of £6,000 was, however, then made. But there was some objection in England to this bill and it was disallowed. Four years later the Assembly prayed the king that a part of the sum allowed the province by the Crown in return for its aids might be used to establish churches and a free school in each county; but there was always an objection. Frequent applications were made for this permission, and as late as 1763 the request and denial continued, the Board of Trade merely saying that until the Assembly should be sufficiently compliant as to remove the original objections it would not consider the subject.

C. R., VII,  
73, 106, 132 Eventually, in 1765, Governor Tryon, probing the matter, could get no light on the subject otherwise, and formally asked the Assembly what the cause of difference was, receiving the answer that the Assembly did not know, as the objection had never been communicated to that body. On again representing the matter to the Board of Trade he was advised



that "some complaints had been made against the original act by some merchants." And so because of Governor Dobbs's wilfulness in not communicating to the Assembly those objections in order that they might be removed or answered, "the complaints of some merchants" resulted in depriving the province of the benefit of free schools. Such was one of the results of the colonial system of government.

The court system provided for a superior court, with a chief justice appointed in England, and three associates, who, in 1761, were Marmaduke Jones, William Charlton and Stephen Dewey—all good lawyers; but in 1762 the new act divided the province into five districts, in each of which, except the Salisbury district, an associate justice was appointed, who in the absence of the chief justice had jurisdiction to hear and determine all cases, except mere matters of law. For the Salisbury district an assistant judge was appointed. He was to be a learned lawyer and his jurisdiction was as ample as that of the chief justice himself. These court laws were to endure only for two years unless approved by the king, so there were constant re-enactments.

Notwithstanding the provision made for the maintenance of an orthodox parochial clergy, there were in 1764 not more than six established clergymen in the province, and only three or four churches then finished. But the Presbyterians had their ministers, and the Quakers had again become flourishing. The Baptists also were numerous.

Paul Palmer in 1727 gathered together a congregation of Baptists in the Albemarle section, and about 1742 William Sojourner settled on Kehukee Creek, where later the Kehukee Baptist Association was formed, and early in 1755 Shubeal Stearns, a native of Boston, settled on Sandy Creek, where he soon drew into his communion more than six hundred members; and these churches became mother churches of the Baptist associations in North Carolina.

A new sect, too, had sprung up, calling themselves Methodists, zealous and enthusiastic religionists, but disclaimed by Mr. Whitefield, then on his passage through the province, as the followers of Wesley and himself, yet doubtless owing their origin to Whitefield's teachings in New England.

Governor Dobbs was loud in his denunciation of all oppo-

1762

S. R., XXIII  
550C. R., VI,  
621The Judicial  
SystemParochial  
clergy  
C. R., VI,  
1039

Baptists

C. R., VI,  
1061  
Methodists





1763

Republicanism  
rife.  
C. R., VI,  
304-309

sition to his measures and schemes, and ascribed the antagonism of the leaders in the Assembly to a spirit of republicanism, which he declared was more rife in this province than in any other. He insisted that Speaker Swann, his two nephews, John Ashe and George Moore, and John Starkey, who formed the committee of correspondence, composed a *junto*, whose object was to lessen the prerogatives of the Crown and absorb the administration into their own hands and extend the power of the Assembly. That the Assembly under its leaders was ever determined in the assertion of its right to hold the purse and maintain the freedom of the people as subjects of Great Britain is sufficiently plain. How far any of the inhabitants were disaffected toward the monarchical system does not appear. Proud of their birth-right as British subjects, they never contemplated the relinquishment of self-government under the constitution of the province; but they were loyal to their king and had no expectation of any change until at length, to their dismay, changes came.

British  
views with  
reference to  
America

The colonies had cheerfully made great appropriations to aid the king in the prosecution of his wars and to relieve the necessities of the Crown. But these were voluntary offerings. In England it was held that the general government of the mother country had a right to something more—to exact by law a fund for the purposes of the Empire. The regiments stationed in America were to be supported by the American colonies. The colonial governments were to be reformed and a surer provision made for the compensation of the governors and other officers. Quickly following the treaty of peace, these and other matters of similar import were discussed in England, and on October 10, 1763, Henry McCulloh, who for thirty years had been concerned with the American colonies, proposed a stamp act to raise the necessary funds. In January, 1764, Governor Dobbs wrote to the Board of Trade: "I apprehend the British Parliament may lay duties upon goods imported into the several colonies to support the troops necessary to secure our great acquisitions on this continent, as also to support the additional

McCulloh

C. R., VI,  
1021

The right to  
tax claimed



officers of the revenue." Such was the drift of official sentiment.

1764

### The Assembly of 1764

At the session of the Assembly held in Wilmington in February, 1764, that town began to be regarded as the seat of government for the province. Andrew Steuart, a printer located there, was employed to publish the laws. Brunswick and Bute counties were erected. An act was passed for building a school-house and a residence for a schoolmaster in New Bern, and John Starkey and Joseph Montfort were appointed the public treasurers for the term of three years. John Ashe was again elected speaker of the Assembly.

Steuart  
public  
printer

### The early newspapers

Perhaps the conflicting interests of New Bern and Wilmington, or the more personal ambitions of two printers, in the summer of 1764 led to the revival of Davis' newspaper, now under the name *The North Carolina Magazine, or Universal Intelligencer*. And in September Andrew Steuart began at Wilmington the publication of *The North Carolina Gazette and Weekly Post Boy*. The *Post Boy*, however, was short-lived, and ceased to exist in 1767, being succeeded two years later by *The Cape Fear Mercury*, published by Adam Boyd.

Weeks' Press  
of North  
Carolina in  
Eighteenth  
Century, 32

### Tryon appointed to relieve Dobbs

Governor Dobbs, who was now nearly fourscore years of age and very infirm, asked leave to return to England; and to relieve him, William Tryon, a young officer of the Queen's Guards, was, on April 26, 1764, appointed lieutenant-governor, and in July received his final instructions. On October 10th he arrived at Brunswick, expecting to enter at once on his duties; but to his disappointment he found that Governor Dobbs would not depart until the coming spring.

Arrives  
Oct. 10, 1764

It was expected that there would be warm disputes when the General Assembly should meet in October, 1764. In the previous March the suggestion of McCulloh had been acted on and a resolution had passed Parliament, without question,

The public  
agitated



1764

The power  
to tax

that it was expedient to lay stamp duties on the colonies, and the public mind was greatly agitated. For a century England had restricted and regulated the commerce of her colonies, and in recent years Parliament had exacted heavy duties on trade with the adjacent French and Spanish settlements, while no manufactured goods could be imported except alone from English ports. But that had been for the expansion and regulation of commerce. Now a different interest was to be subserved, and Parliament proposed to tax the colonies for purposes of revenue. In England no one disputed the right; in America it was a question so novel and so momentous that at first public opinion was not pronounced. The omnipotence of Parliament had never been disputed. But on the passage of the resolution in March came an examination into the subject. The illumination was gradual. The power to tax was the power to destroy, and America became enshrouded in a turmoil of anxious thought. Such were the conditions when the Assembly met in October.

The firm  
stand of the  
Assembly  
Oct., 1764C. R., VI,  
1314-1318

As if to emphasize the spirit of the house, the governor and council having appointed a printer "under the sounding appellation of his Majesty's printer," the house declared it knew of no such office, and it resolved that James Davis should print the laws; and when the governor claimed for himself as a representative of the Crown, in conjunction with the king's councillors, the right to direct payment out of the funds allowed the province by the king, the house resolved "that the treasurers do not pay any money out of any fund by order of the governor and council without the concurrence or direction of this house." It proposed to hold the purse strings.

Claims the  
exclusive  
privilege of  
imposing  
taxes  
C. R., VI,  
1261

And in reply to the opening address of the governor the house said: "It is with the utmost concern we observe our commerce circumscribed in its most beneficial branches, diverted from its natural channel, and burdened with new taxes and impositions laid on us without our privity and consent, and against what we esteem our inherent right and exclusive privilege of imposing our own taxes."

Assembly  
concurs with  
Massachu-  
setts  
Bancroft,  
V, 204

As yet no other Assembly in any other colony had made so positive a declaration. Incidentally the power of Parliament was flatly denied. Massachusetts had addressed a cir-





cular letter to the other colonies asking concert of action in making a representation to the Crown and desiring "their united assistance." The speaker, John Ashe, on November 17th laid this letter before the house, and it was resolved that "Mr. Speaker, Mr. Starkey, Mr. McGuire and Mr. Harnett and Mr. Maurice Moore be a committee to answer the above letter," and "to express their concurrence with the sentiments of the House of Representatives of Massachusetts." Such was the first movement on the surface of the troubled waters. The house asserted its exclusive right to lay taxes, and to direct payment out of the public funds, and it sent to Massachusetts its concurrence in the proposed remonstrance.

1764

C. R., VI,  
1296Martin,  
North  
Carolina,  
II, 188



## THE FIFTH EPOCH—1765-75

### CONTROVERSIES WITH THE MOTHER COUNTRY

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#### CHAPTER XXI

##### TRYON'S ADMINISTRATION—1765-71: THE STAMP ACT

Governor Tryon's administration.—Unrest in Mecklenburg.—The cause of complaint in Orange.—The Assembly of May, 1765.—The vestry act.—The stamp act passed.—Desire for independence imputed to the colonists.—Popular ferment.—Speaker Ashe declares the people will resist to blood.—The Assembly prorogued.—Patrick Henry in Virginia.—Barré's speech in Parliament.—Sons of Liberty.—An American congress called.—Dr. Houston stamp-master.—North Carolina not represented.—Famine and disease in the province.—The people set up looms.—Action at Wilmington.—Liberty not dead.—Dr. Houston resigns.—Governor Tryon feels the people.—Deprecates independence.—The reply.—Desire for independence disclaimed.—The act not observed.—Non-importation.—The people united.—Conditions in England.—British merchants and manufacturers clamor for repeal.—Pitt.—Camden.—Conditions in America.—No business transacted.—The West settled.—In Granville's territory.—Judge Berry commits suicide.—The rising on the Cape Fear.—The people form an association.—They choose directors.—Fort Johnston seized.—Tryon's house invaded.—The act annulled.—Business resumed.—The Assembly prorogued.—The stamps stored.—The act repealed.—London rejoices.—America grateful.—Mayor DeRosset's manly sentiments.—Judge Moore suspended.

##### Governor Tryon

1765

On March 28, 1765, Governor Dobbs, who was then preparing to depart for England, died at his villa at Brunswick, and William Tryon assumed the reins of government as lieutenant-governor, he having qualified as such in the preceding November. An officer of the army and a cultured gentleman, just turned thirty-six years of age and in the flush of vigorous manhood, and in many respects a masterful man, he at once gained the esteem of the people. To the Assembly on its meeting he promised his best endeavors to render acceptable service to the province, and declared that



he should ever deem it equally his duty "to preserve the people in their constitutional liberty as to maintain inviolable the just and necessary rights of the Crown"; and to the lower house in particular he said: "In the integrity of my heart I must declare I look for neither happiness nor satisfaction in this country but in proportion to the assistance I meet with in my endeavors to promote the prosperity of its inhabitants." Events, however, were happening that sorely perplexed him. A condition of unrest pervaded the province. In Mecklenburg County, where Selwyn had large tracts of land obtained from McCulloh, many settlers had located without deeds and would not acknowledge his claim of ownership, and when his agent undertook to survey a tract for widow Alexander a mob assembled under the leadership of Thomas Polk and severely whipped and abused the surveyor, John Frohock, Abraham Alexander, and several others who were running the line, destroyed the compass, and threatened young Henry Eustace McCulloh with death.

1765

C. R., VII,  
37Riot in  
Mecklen-  
burg

Toward the northern frontier there was trouble brewing of a different character. After the adjournment of the Assembly in November, 1764, reports reached Governor Dobbs of serious disturbances in the county of Orange resulting from the exactions of the county officers, and Governor Dobbs issued a proclamation forbidding any officer from taking illegal fees. But this did not arrest the evil, and the agitation soon extended to Granville. "A Serious Address to the Inhabitants" of that county was issued in June, 1765. In it the authors declared that "they were not quarrelling with the form of government, nor yet with the body of their laws, but with the malpractices of their county officers and the abuses of those who managed their public affairs." While the frontier settlements were thus agitated over their local matters, on the seaboard the people were disquieted because of the purpose of Parliament to tax the colonies.

Martin,  
North  
Carolina,  
II, 191Unrest in  
OrangeC. R., VII,  
89

Immediately on entering upon his duties Governor Tryon reconvened the Assembly, the meeting being held at New Bern on May 3, 1765. He urged that body to institute a strict examination into the condition of the public funds, and recommended the re-enactment of the vestry act free from the objections made to it; but in doing so he professed

Tryon's  
actionC. R., VII,  
41 *et seq.*





1765

C. R., VII,  
41 *et seq.*C. R., VII,  
205

himself the warm advocate of toleration as well as of progress. Among other improvements, he suggested the establishment of a post route from Suffolk to Wilmington, where it would connect with one to Charleston. In 1763 provision had been made for one year for a post between Suffolk and Wilmington. Now, at the instance of the governor, the Assembly raised a committee to make this post route permanent, but for some cause the committee was not progressive and did not carry out the purpose.

Agreeably to the governor's suggestions, a new vestry act was passed. The selection of ministers of the established church was to be no longer with the vestries, but with the governor, who also had the power to suspend them. On his appointment the ministers were to be received into their parishes as incumbents. The vestry were to pay the salary and lay the taxes for that purpose. At this session contests again arose between the two houses.

In 1759 the Board of Trade had instructed Governor Dobbs that the committee of correspondence ought to consist of members of both houses, which the lower house would not agree to. In 1765 the council asked that all correspondence should be submitted to it, and the house hotly denied the request. Referring to this episode, Governor Tryon represented to the Board of Trade that if the house persisted in that course the agent ought not to be recognized. The house, nevertheless, maintained its right; so the agent was suspended and was not recognized by the Board; and it was not until 1768 that a new agent was appointed.

Agent  
suspended

There was another contest over the appointment of a treasurer. John Starkey having died, the lower house nominated Richard Caswell, while the upper house desired Louis Henry DeRosset, one of the councillors. Their disagreement was not composed when, on the morning of May 18th, the Assembly was suddenly prorogued.

### The stamp act

In England

A year had elapsed since Parliament had passed the resolution that it was expedient to tax the colonies. At length, in February, 1765, the bill prepared by the ministry was introduced in the House of Commons, where some oppo-



sition was encountered, fifty votes being cast in the negative; but in the House of Lords there was no division. On March 25th the bill received the royal assent.\* To the petitions of the colonies in opposition to the measure it was constantly replied that their antagonism was founded in a desire to sever their connection with the mother country, and that the issue should then be met and the dissatisfied Americans should be reduced to submission. This, however, was not the spirit that animated the colonies. Indeed, while remonstrating, there was no other thought but of acquiescence. In April New York was still tranquil and Massachusetts was not aroused. Otis, the Boston leader, indignantly repelled the imputation that America was about to become insurgent, and declared it to be "the duty of all humbly and silently to acquiesce in all the decisions of the supreme legislature." No one will "ever once entertain a thought but of submission." "They undoubtedly have the right to levy internal taxes on the colonies"; and he solemnly declared, "From my soul I detest and abhor the thought of making a question of jurisdiction."

1765

In America

Bancroft,  
V. 271

The colonial agents in England, while vigorously opposing the passage of the act, had no other idea but that it would be carried into successful operation. Ingersoll returned to Connecticut as the stamp master, and Franklin recommended to his friends to apply for the places. In Virginia Richard Henry Lee sought the appointment. Still, when the event was imminent and news came in May that the act was passed, the people fell into a ferment. It was a matter of feeling rather than of cold reason. The popular heart was moved without regard to those in public station.

The Assembly of North Carolina had on the last day of October, 1764, declared that "we esteem it our inherent right and exclusive privilege to impose our own taxes." Virginia a fortnight later had less positively asserted the right, and had argued that the people of that province "cannot now be deprived of a right they have so long enjoyed"; but neither Massachusetts nor any of the other colonies, had

C. R., VI,  
1261

\*This act not only required the payment of stamp taxes but provided for the trial of offenders against the act out of the province and without a jury.



1765

C. R., VII, i.

Martin,  
North  
Carolina,  
II, 105C. R., VII,  
88

claimed exemption from parliamentary taxation. But the public mind now became agitated, and Governor Tryon, seeing the trend of affairs, asked the speaker of the house what the people would do. "Resist unto blood and death," was the emphatic answer of Ashe. Apprehensive that the lower house was about to take some action, the governor, on Saturday, May 18th, after the house had adjourned, suddenly prorogued the Assembly till November, the business of the Assembly being unfinished and not at all rounded up.

Near a fortnight later the session of the Virginia Assembly was drawing to its close without any action having been taken on the stamp act, when Patrick Henry, who had been elected to fill a vacancy, took his seat as a member. At once, on May 28th, he offered a series of resolutions on the subject and sustained them in an impassioned speech: "Cæsar had his Brutus; Charles I his Cromwell, and George III"—"Treason! Treason!" was echoed throughout the hall—"may profit by their example."

Wirt, Life  
Patrick:  
Henry, 75  
*et seq.*

Opposed by the speaker, by Pendleton, Bland, Wythe, and the Randolphs, the resolutions were adopted by a majority of but a single vote; and the next day the last of the resolutions—the one asserting that "the colony had the sole right and power to lay taxes"—was expunged from the record.

Sons of  
Liberty

When the bill was before the House of Commons Colonel Isaac Barré, who had served with Wolfe in Canada, made an eloquent defence of the colonies, saying: "They planted by your care! No; your oppressions planted them in America. They fled from your tyranny. They nurtured by your indulgence! They grew by your neglect of them. As soon as you began to care for them, that care was exercised by sending persons to rule them—men whose behavior on many occasions caused the blood of those Sons of Liberty to recoil within them." A copy of Barré's speech was hurried to New York, and there, in June, was printed and distributed by the thousands, while the startling words of Henry were being echoed throughout America. The people became greatly inflamed and aroused, and the expression "Sons of Liberty" was treasured from Massachusetts to Georgia. Still as yet the only thought was to secure relief by petition and remonstrance. The Massachusetts Assembly, being then in





session, called for an American congress, which should consist of committees appointed in the several colonies by the representatives of the people, to meet in New York in October "to consider of a united representation to secure relief," and even then the question of exclusive right to tax the colonies was carefully avoided. The people watched and waited, hugging the delusion that their English friends would not drive them to despair.

The  
Congress

1765

In England there was no thought of retreat. The stamps were prepared and stamp masters were appointed for every colony. On July 11th the commissioners of the treasury appointed Dr. William Houston, of Duplin, stamp master for North Carolina. He did not apply for the position, and it is probable that he was appointed at the instance of McCulloh, for he appeared in North Carolina in 1735 as McCulloh's agent for settling his grants on the northeast branch of the Cape Fear, and for many years remained in that employment. The act was to go into operation on November 1st, and the stamps were early sent to the northern colonies. In October the Congress met. North Carolina, Virginia, Georgia, and some other colonies were not represented, as their assemblies could not meet to send deputies. It formulated a remonstrance and petition.

Houston,  
stamp  
master

That summer was the hottest ever known in North Carolina in the memory of the inhabitants. There was a general failure of crops: and such was the extreme scarcity of provisions that the slaves were fed on "cattle and apples" until the potato crop matured in the fall. The following June vessels were prohibited from carrying out any breadstuffs, except for the necessary supply of the crews, and the Assembly was prorogued in April because of the scarcity of food. The yellow fever broke out in New Bern, and Governor Tryon himself was seized by a malarial fever that confined him until late in November. Yet notwithstanding their other distresses, the stamp act held the first place in the minds of the people. At Edenton and New Bern, as well as at Wilmington, the inhabitants adopted strong resolutions expressing their utter abhorrence of the odious act, and to manifest their indignation and purpose "the people of North Carolina set up looms for weaving their own clothes."

C. R., VII.  
154



1765

North  
Carolina  
Gazette  
Nov. 20, 1765

Nor did their demonstrations stop there. On October 19th "near five hundred people assembled at Wilmington and exhibited the effigy of a certain honorable gentleman; and after letting it hang by the neck for some time near the court-house, they made a large bonfire with a number of tar barrels and committed it to the flames. The reason assigned for the people's dislike to that gentleman was from being informed of his having several times expressed himself much in favor of the stamp duty. After the effigy was consumed they went to every house in town and brought all the gentlemen to the bonfire, and insisted upon their drinking, 'Liberty, property, and no stamp duty, and confusion to Lord Bute and all his adherents,' giving three huzzas at the conclusion of each toast." This assemblage probably marked the formation of the Sons of Liberty on the Cape Fear, and was composed of the people of New Hanover and the adjoining counties.

C. R., VII,  
123 125

Proceedings  
at  
Wilmington

"On October 31st another great number of people assembled at Wilmington, and produced an effigy of Liberty, which they put into a coffin, and marched in solemn procession with it to the churchyard, a drum in mourning beating before them, and the town bell, muffled, ringing a doleful knell at the same time; but before they committed the body to the ground they thought it advisable to feel its pulse, and when finding some remains of life they returned back to a bonfire ready prepared, placed the effigy before it in a large two-armed chair, and concluded the evening with great rejoicings on finding that Liberty had still an existence in the colonies."

Houston  
resigns

Dr. Houston, on November 16th, came to Wilmington, and the people, three or four hundred in number, immediately gathered together with drums beating and colors flying and carried him into the court-house, where he signed a resignation, which was followed by great demonstrations; and in the evening "a large bonfire was made and no person appeared in the streets without having 'Liberty' in large capital letters in his hat; and they drank in great form all the favorite American toasts, giving three cheers at the conclusion of each." In Cumberland, at New Bern, and at



his own home in Duplin, the people made similar demonstrations and hung Dr. Houston in effigy and then burned the effigy.

Governor Tryon, who was now somewhat recovered from his protracted illness, seeing the determination of the people, sent out circular letters to about fifty of the principal inhabitants, requesting their presence at dinner with him on November 18th. In his interview with these gentlemen the governor expressed his "hope that no violence would be attempted in case the stamps should at any time arrive in the province"; and also he hoped "that none in this province were desirous of destroying the dependence on the mother country." He mentioned "the impossibility of the stamp act operating in all its parts in this province, where the whole cash of the country would scarcely pay a single year of the tax," and declared his intention of making such representations that, whether the act were repealed or not, there would be a favorable indulgence and exemption of this colony; and as an inducement for allowing the act to have effect in part, he "generously offered to pay himself the whole duty arising on" certain instruments.

The next morning the gentlemen waited on the governor with their reply, saying: "We cannot but applaud the happy distinction of this province, which has a governor so studious of promoting and so well satisfied to prosecute its advantages and prosperity." They disclaimed "any desire to interrupt or weaken the connection between Great Britain and her colonies," but declared that "we cannot assent to the payment of the smaller stamps; an admission of part would put it out of our power to refuse with any propriety a submission to the whole; and as we can never consent to be deprived of the invaluable privilege of a trial by jury, which is one part of that act, we think it more consistent as well as securer conduct to prevent to the utmost of our power the operation of it." The governor in his reply regretted that his intentions of service to the province at this junction had so little prospect of success, and lamented the consequences he apprehended from the resolution the gentlemen had adopted.

Such was the spirit of the Cape Fear gentlemen, openly

C. R., VII,  
127-130

The people  
refuse his  
overtures  
C. R., VII,  
129

1765





1765

C. R., VII,  
143

avowing their purpose not to permit the operation of the act in any particular; and all the counties of the province were in full sympathy with them. Ten days after the dinner, and after Houston had resigned, some stamps arrived at Brunswick on the sloop-of-war *Diligence*, but because of the situation of affairs they remained on board that vessel until her departure in the spring.

The spirit  
of America

Contemporaneously with these proceedings in North Carolina, the merchants of New York City entered into a resolution not to import any goods until the stamp act was repealed. Elsewhere their example was followed; and the people organized themselves into associations, taking the name applied to them by Colonel Barré in Parliament, "Sons of Liberty." A patriotic fervor possessed the people, and even before importations had ceased they discarded clothing of British manufacture and began to wear the homespun of the country. Rich and poor, those of the highest social and political station as well as the humblest citizens, joined in the cry of "Liberty, property, and no stamps." Never were the people so united; there was but one voice—to resist. In December Gadsden, of South Carolina, wrote: "The whole force of North Carolina was ready to join in protecting the rights of the continent," and in January the Sons of Liberty in New York resolved "that they would march to the relief of those in danger of the stamp act." Such was the sentiment that prevailed throughout the colonies.

The king  
resolute

In England other matters of serious import stirred the court and divided the people, and changes in the ministry were frequent. But at length the attitude of the colonists arrested attention; and merchants and manufacturers, aghast at the possible consequences to their business, united their clamors with those of the Americans for repeal. The king, nevertheless, was resolute, and when Parliament opened on January 14th he informed it that "orders had been issued for the support of lawful authority." Pitt, however, declared emphatically that Parliament had no right to tax the colonies, and like a clap of thunder he startled the house when he exclaimed, "I rejoice that America has resisted." In the House of Lords Camden spoke with equal strength. But

Jan., 1766  
Pitt

Camden



at first they were overborne. The purpose to maintain the omnipotence of Parliament was fixed. But politics were in a turmoil, and changes in the ministry suddenly occurred. A month after the session began Conway, now in the ministry, moved for leave to bring in a bill to repeal the act. He declared that it had interrupted British commerce and destroyed one-third of the manufactures of Manchester—had thrown thousands of poor out of employment, and that to assist the Americans, France and Spain would engage in war with Britain. Amid great excitement, despite the opposition of the king, leave was given by a vote of 275 to 167. The first step to repeal was taken.

1766  
Conway  
urges repeal

The new year opened in America with all in a state of suppressed excitement. The act had not been operative. The courts were either closed or transacted little business. Newspapers were published on unstamped paper and ships sailed without legal clearances. It was a condition of unarmed rebellion.

#### Open rebellion on the Cape Fear

In North Carolina, Tryon having received his commission as full governor, on December 21st dissolved the Assembly and issued writs for the election of new members. The election was held in the midst of excitement on February 11th, and the legislature was to convene April 22d. Writing in January from New Bern, Rev. Mr. Reed said: "The people here are peaceable and quiet, yet they seem very uneasy, discontented and dejected. The courts of justice are in a great measure shut up, and it is expected that in a few weeks there will be a total stagnation of trade." On Christmas Tryon wrote home: "The obstruction to the stamp act . . . has been as general in this province as in any colony on the continent. . . . No business is transacted in the courts . . . though . . . regularly opened, and all civil government is now at a stand." Such was the situation in the east. At the west not a man favored the stamp act; but that matter was not so interesting on the frontier as in the marts of trade. Ten years of peace had brought renewed immigration from the north. A settlement from New Jersey was made on the Yadkin. The Moravians received accessions,

New  
election.  
Feb., 1766  
C. R., VII,  
133, 143, 154

C. R., VII,  
114

At the west



1766

C. R., VII,  
285

and had engaged in manufactures. "They have mills, forges, furnaces, potteries, foundries, all trades and things in and among themselves." They drew copper from the neighboring mines. "They are all bees, not a drone suffered in the hive; what they do not consume they sell in the adjacent territory," receiving for their products furs and peltry, which they send off to Virginia and into South Carolina, obtaining in return rum, sugar, linen and woollen goods, pewter and tin wares and other necessities. While this development was being made at Bethabara, Rowan and Mecklenburg counties were being occupied. During the fall and winter of 1765 a thousand wagons passed through Salisbury, and the people were clearing the forests seventy miles west of Fort Dobbs and forty miles beyond the Catawba.

In  
Granville's  
territory

In Granville's territory the land offices were closed on the death of Lord Granville in 1763, and his heir and successor had not yet opened them again. Some of the occupants of his lands dreaded the expected reopening, because of the abuses of his agents; while others were discontented because they could not obtain titles to the premises they had improved. The grievances of the people in the back country continuing, the movement for redress progressed, securing the adherence of many of the inhabitants. Specie was very scarce, and while even the merchants estimated that because of the great growth of the province £200,000 of paper currency was needed, the amount outstanding was only £75,000. Necessarily there was great pecuniary distress. Such was the general condition of the province—unrest at the west, insufficient currency, civil government at a stand, and the Sons of Liberty holding together, not knowing what a day might bring forth.

C. R., VII,  
144

Another event added to the gloom on the Cape Fear—the suicide of Chief Justice Berry. On March 18, 1765, a duel occurred between Lieutenant Whitehurst and Alexander Simpson, master, both of the British sloop *Viper*, the cause of which was said to have been some woman. Simpson was wounded and Whitehurst killed. Simpson was apprehended, but the night before Governor Dobbs died he made his escape from jail and fled to Virginia. He was subsequently taken and put on trial at New Bern, where Chief Justice Berry

C. R., VII,  
94





held the court. The case was tried before the arrival of all of the witnesses for the prosecution, and Simpson was acquitted, at which the governor manifested much displeasure. When, on December 20th, the governor called a council at Wilmington to qualify under his new commission, Judge Berry, on being notified to attend, conceived that the council was called for the purpose of suspending him, and was so impressed with the belief that he at once shot himself in the head, and after lingering eight days died. The melancholy affair was greatly regretted. To succeed Berry, Governor Tryon commissioned James Hasell as chief justice. He was the senior member of the council and had at different times filled the office of chief justice for seven years. At the same time, in January, 1766, he appointed Robert Howe an associate judge.

1766

Death of  
Judge BerryC. R., VII,  
160

Thus far Tryon had managed so astutely that there had been no clashing with the people. But it could not be averted.

In January two merchant vessels, the *Dobbs* and the *Patience*, came into the Cape Fear and were seized because their clearance papers were not duly stamped, and were held by the British men-of-war, the *Diligence* and the *Viper*. At once the patriots of that region were aroused and demand was made for their release. The matter was referred to the attorney-general, Robert Jones, who was at his home on the Roanoke, and during the delay the leaders of the people arranged their plans. The mayor of Wilmington resigned and Moses John DeRosset, a strenuous opposer of the act, was elected in his place. The people of Onslow, Duplin, and Bladen were brought together at Wilmington to meet those of New Hanover and Brunswick, and they entered into an association. "Detesting rebellion, yet preferring death to slavery, . . . we hereby mutually and solemnly plight our faith and honor that we will at any risk whatever, and whenever called upon, unite and truly and faithfully assist each other to the best of our power in preventing entirely the operation of the stamp act." On the next day, February 18th, the people chose John Ashe the speaker, Alexander Lillington and Colonel Thomas Lloyd "directors to direct the movement." General Hugh Waddell was appointed to marshal and command the citizen soldiery, of whom six hundred were

C. R., VII,  
168 *et seq.*North  
Carolina  
Gazette,  
Feb. 26, 1766Ashe and  
Waddell  
lead in open  
rebellionThe  
AssociationThe  
Directory



1766

armed, while there were one hundred of the people unarmed. The purpose was to secure the liberation of the detained vessels, and they resolved to march to Brunswick and require their release and prevent the operation of the stamp act in any particular. It was an orderly movement of the people, organized under civil authority of their own appointment, with the military subordinate to the directory, at the head of which was the speaker of the Assembly. Accompanying the directors were the mayor and corporation of Wilmington, and gathered around them were all the gentlemen of the Cape Fear—a cavalcade of patriots intent on a high purpose and full of high resolve. As a measure of this incipient war the inhabitants of Wilmington determined that no provisions should be furnished to the British cruisers, and when the contractors' boat came to the town for supplies they seized the crew and threw them into jail, and with a great demonstration hauled the boat through the town in triumphal procession.

C. R., VII,  
172 *et seq.*

The  
*Diligence*  
and the  
*Viper*  
defined

C. R., VII,  
178

The directors sent by Harnett and Moore a letter notifying Governor Tryon, who, after Dobbs's death, resided at Brunswick, that they proposed him no personal harm, but were coming to right their wrongs; and forward the companies marched, Waddell's patriotic soul flaming high as he resolutely led them on to their act of treason and flagrant rebellion.

Fort  
Johnston  
seized  
C. R., VII,  
186

Quickly a detachment seized Fort Johnston; quickly the public offices were invaded and the papers of the detained vessels obtained. But yet the vessels were held by the men-of-war. Recognizing that a crisis was reached, the king's officers determined to stand by the colors of his Majesty to the last. There was to be no yielding to the insurgents.

The council

At noon on the 20th a council was held, attended by the governor and all of the British officers; and Captain Lobb, the senior naval officer, declared his unalterable purpose to hold the ship *Patience* and to require a return of her papers, which the insurgents had taken. And so it was agreed by the governor and all. But in the afternoon a party of the insurgents—doubtless the directors, Waddell, Harnett, James and Maurice Moore, Mayor DeRosset and the corporation of Wilmington—boarded the ship of war *Diligence*, and



there, under the royal flag, surrounded by his Majesty's officers, they made demand upon Captain Lobb to surrender the vessels and abandon any purpose to sustain the stamp act. What passed is not recorded; but in the evening Captain Phipps, of the *Viper*, came on shore and reported to the governor that "all was settled." The vessels were released. The people had redressed their grievances. The stamp act was not to be enforced in any particular. The governor was indignant, disgusted, but powerless.

The  
*Patience*  
released

The collector, the comptroller, the clerks, and other provincial officers, one of them, William Pennington, being taken by Harnett from the residence of Governor Tryon, were now brought with great formality all together, at the centre of a circle formed by the people, and there were constrained to make public oath never to perform any duty with regard to the stamps. The stamp act being thus annulled in North Carolina, in triumph the people returned to their homes victors over the governor and the king's forces.

Stamp act  
annulled

The effect of this bold and determined movement, that had no exact parallel in any other colony—for first the people ordained a government with authority to direct and secondly they organized a military force subordinate to the directory—resulting in the full accomplishment of the purpose designed, must have been lasting on the minds of the people. It established the leaders still more in public confidence, for successful achievements appeal strongly to the popular heart. It also brought home to the people the value of organized resistance and prepared them to take resolute action when at a later day their rights and liberties were again invaded. With this experience, under the same chieftains, they were the more easily marshalled to sustain the measures of 1775 in open revolt from the dominion of the mother country. The submission of Tryon and of the king's naval forces to their power, the remembrance of that glorious triumph easily paved the way for their formation of military companies in March, 1775, for the destruction of Fort Johnston, and the expulsion of Governor Martin from the soil of the province.

After that no attempt was ever made to observe the stamp act in North Carolina. The governor and all public officers abandoned the contest. Vessels sailed in and out as before





1766

the act was passed. The business of the courts was resumed, and the act was entirely disregarded.

C. R., VII,  
188Houston  
gives up his  
documents

But as the Assembly was to meet in April, on February 26th the governor prorogued it till November, and he declared his purpose not to allow any Assembly to meet until he had received further instructions from the king. On April 15th Dr. Houston again appeared at Wilmington, and there he was forced to surrender to Mayor DeRosset his commission and his instructions. The *Diligence* having been ordered to depart, the boxes of stamps were transferred at the end of March to the *Viper*, and later were deposited in Fort Johnston, where they remained until sent back to England.

Proceedings similar to those in North Carolina took place in all the colonies, but nowhere else was there equal boldness and resolution in action; yet in every province the law had been entirely annulled by popular resistance. Still the issue was undetermined, and America, in an attitude of defiance, waited with anxiety for news from England.

In  
ParliamentThe act  
repealed

Although the House of Commons, responsive to the demands of British trade and commerce, had expressed a willingness to repeal the stamp act, yet Parliament was by no means ready to abandon its alleged right to tax the colonies. *Pari passu* with Conway's bill for repeal, another, declaring the absolute power of Parliament to bind the colonies in all cases whatsoever, was rushed through the two houses; and in the House of Lords the repeal bill met with strenuous opposition and protests, but finally, on March 18th, it received the unwilling and sullen assent of the king. The multitude, however, applauded. There was great rejoicing in London, the vessels on the Thames displayed all their colors, the church bells rang out joyous peals, and at night the city was illuminated with bonfires, and all the principal houses were lighted from within. The swiftest vessels hurried the news across the Atlantic, where it was received with public demonstrations of universal gladness and heartfelt patriotism. So sudden a popular revulsion from apprehension and defiance to gratitude and loyalty is without a parallel in history. The colonists at once rescinded their resolves of non-importation, gave their homespun clothes to

Rejoicing in  
London





1. NORTH CAROLINA CURRENCY, 1718    2. NORTH CAROLINA CURRENCY, 1776

3. EDMUND FANNING

4. MONUMENT TO THE REGULATORS



the poor, and turned their attention once more to their local concerns. Throughout North Carolina there was great rejoicing. At New Bern the gentlemen met at the court-house to celebrate the event. An elegant dinner was served in common-hall, Cornell presiding. Many toasts "were drank under a display of colors and other ensigns of Liberty, among them, toasts to Camden, Pitt Conway and Barré; 'the Liberty of the Press'; 'the Governor and the Province'; the whole conducted with great good order, decency and decorum." The day concluded with a ball in the court-house "and the evening was most happily and agreeably spent." At length on June 13th Governor Tryon received official intelligence of the repeal, and a week later Moses John DeRosset, mayor of Wilmington, on behalf of the corporation, addressed formal congratulations to the governor. In the course of subsequent correspondence DeRosset and the other gentlemen at Wilmington declared that they were well assured that the governor's conduct had always been regulated by no other motive than a generous concern for the public good. Still there was no abatement of manly expression, and in regard to their own action they pointedly said: "Moderation ceases to be a virtue when the liberty of British subjects is in danger." Thus in the general rejoicing, while there was no admixture of bitterness for Tryon, there was asserted a resolution to maintain the rights of the people as British subjects; and Governor Tryon afterward mentioned that only one person connected with the uprising on the Cape Fear ever expressed any regret at his action, and he was not a native of the province.

While all of the gentlemen of the Cape Fear had taken a pronounced part in these stamp act proceedings, the governor manifested his displeasure at the action of Maurice Moore alone. He was assistant judge for the district of Salisbury, and because of his intemperate zeal and conduct in opposition to the act the governor suspended him, and on March 7th appointed Edmund Fanning to the vacancy. In addition to his personal participation in the expedition to Brunswick, Moore had published a pamphlet showing that the colonists "are constitutionally entitled to be taxed only by their own consent."

1766

The  
colonists  
gratefulS.C. Gazette  
Aug. 5, 1776C. R., VII,  
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## CHAPTER XXII

### TRYON'S ADMINISTRATION, 1765-71: THE REGULATION

Murmurs from the west.—The governor's proclamation.—The reform movement.—The general polity of the province.—Tryon's action.—Purpose of the reformers.—Removal of the Tuscaroras.—The Assembly meets—November, 1766.—The burden too heavy to bear.—The address to the king.—The southern treasurer.—No provincial agent.—The governor's palace.—The seat of government.—Presbyterian ministers to perform marriage ceremony.—The Cherokee line.—The Watauga settlement.—The need of currency.—New legislation.—The speakers to be gowned.—Tryon joins in asking for currency.—New custom duties proposed.—The Assembly prorogued.—The Regulators associate.—The meetings.—Oath-bound.—Hillsboro raided.—Consternation of the officers.—Rev. George Micklejohn the peacemaker.—The governor advises an appeal to the Assembly.—Fanning seizes Husband.—The people aroused.—A petition to the Assembly.—Presented to the governor.—His reply.—He reaches Hillsboro.—Sends Harris to collect taxes.—Harris's report.—Hillsboro threatened.—Disturbing rumors.—The agreement.—The voice of Anson.—Trouble in Johnston.—The governor's demands.—The army of 1768.—The Presbyterian ministers support the governor.—The march to Hillsboro.—The Regulators embody.—The governor's terms.—The malcontents disperse.—The court held.—Tryon desires to leave.—Regulators' address.—Resolve of Assembly.—Remedial legislation proposed.—Hillsboro riots.—Riot act.—Alamance.—The battle.—The trials and executions.

#### Murmurs from the west

1766

On June 25, 1766, Governor Tryon, happy at the turn of affairs, issued a proclamation announcing the repeal of the stamp act and on the same day, in pursuance of particular instructions received from the Crown, he issued a proclamation in the king's name, stating that complaints had been made that exorbitant fees have been demanded and taken, to the great dishonor of the king's service and the prejudice of the public interest; and all public officers whatever in their respective stations throughout the province were forbidden "to receive any other fees than those established by proper authority on pain of being removed from their offices and prosecuted with the utmost severity of the law." On the



same day, because of the extraordinary want of provisions in the province, it was determined that the General Assembly should not then be convened, but should stand prolonged until October.

1766

While the eastern part of the province now returned to a happy quietude, the disturbed conditions at the west were not allayed. In August the leaders of the reform movement in the county of Orange issued an advertisement, referring to the success of the Sons of Liberty in withstanding the Lords of Parliament, and proposing that each neighborhood throughout the county should meet and appoint one or more men to attend a general meeting at Maddock's Mills, "at which meeting let it be judiciously inquired whether the free men of this country labor under any abuses of power," and proposing to call upon all persons in office to give an account of their stewardship, a proceeding similar to the township meetings immemorially held in Massachusetts. On October 10th such a meeting was held, but none of the officers appeared as requested. Disappointed in this first attempt, both at the lukewarmness of the people and the non-attendance of the officers, the leaders proposed that another conference should be called, and the practice be maintained, believing that "on further matured deliberation the inhabitants will more generally see the necessity of it and the number increase in favor of it to be continued yearly."

C. R., VII,  
249, 250Reform  
movement  
at the west

1766

The complaints of these people were because of the administration of local affairs. The general polity of the province was the outcome of circumstances. The king appointed the governor, the chief justice and the attorney-general, the first two of whom being sent from England while the last had been appointed from among the citizens. The council was a continuing body, appointed by the Crown, and, as none had ever been removed, holding for life. From Burrington's administration appointments had been made only to fill vacancies caused by death or removal from the province. When a vacancy occurred, the governor made a temporary appointment until the Crown could act. A part of the expenses of the administration was paid by the quit rents; but generally the needs of government were met by taxes assessed by the Assembly. There was no tax on land or

The general  
polity of the  
province  
C. R., VII,  
472 *et seq.*



1766

property, only on the poll and on some minor subjects of taxation. As the expenses increased, the poll taxes were multiplied and became grievous, especially in the frontier counties, where the people were without market for their produce and had no currency and many of them were poor.

There were five judicial districts, for each of which an associate judge was appointed by the governor; and while the associate for the Salisbury District alone was required to be a lawyer by profession, yet all of these associates were lawyers. To each district court there were two clerks, one for civil causes appointed by the chief justice, the other the clerk of the Crown for criminal cases, appointed by the secretary of the province.

There was a court for each county, pleas and quarter sessions, held by the justices of the peace, and to each of these courts there were likewise two clerks, one for civil causes and the other the clerk of the Crown. The appointment of the first was with an officer of the province, denominated "The clerk of the pleas"; the clerks of the Crown were appointed by the secretary of the province. Oftentimes one person filled both offices. The sheriffs of the different counties were annually appointed by the governor, but he was confined to select from among three persons recommended by the justices of the peace; and the register of deeds was likewise appointed by the governor to hold during his pleasure. The fees of all officers were fixed by law, and a part of the compensation of the chief justice also consisted of fees incident to his court. The influence of these local officers was felt in the election of members of the Assembly and in perpetuating their own power, and they became dominant factors in the management of public affairs. The attorneys-at-law were also potent influences, and of these there were forty-five practising in the province. Convinced of the abuses that these conditions led to, Governor Tryon sought to mitigate them, and among other things announced that no county court clerk or practicing attorney should be appointed a justice of the peace—the justices of the peace being appointed by the governor with the sanction of the council, to hold at his pleasure. All local affairs were within the administration of these justices, who, sitting





as the court of the county, primarily passed on all complaints of exorbitant fees or charges of maladministration by the county officers, had cognizance of county matters, laid county taxes and settled with county officers. Under that system there was no responsibility to the people. The justices of the court annually recommended the sheriff for appointment and they influenced the election of assemblymen. They were appointed by the governor on the recommendation of the Assembly. Thus they became a part of a self-perpetuating circle, composed of officers, lawyers, justices and their dependents, controlling local affairs, and with interests widely different from those of the people at large. Popular discontent could not make itself felt in legal and accustomed channels; and this seems to have been the fundamental reason for the innovation proposed by the reformers to introduce county meetings of the inhabitants annually to consider the action of their officials and all public matters, and such at first was the extent of the demand.

1765

No responsibility to the people

During the summer of 1766 the sachem of the Tuscaroras, who had moved to New York fifty years before, came to the province, and after spending some time with the Indians on the reservation, arranged for the removal of more of that tribe to join the Six Nations. The funds for their removal were supplied by Robin Jones, attorney-general, who had long manifested a particular kindness toward those isolated and almost friendless Indians. A part of the reserve was conveyed to him as security, and one hundred and thirty Tuscaroras in August marched north, leaving only one hundred and four of that tribe, including women and children, remaining in North Carolina.

Removal of Tuscaroras

C. R., VII, 431

### The Assembly meets

On November 3d the legislature convened at New Bern, being the first meeting of the representatives of the people since May, 1765. During the intervening eighteen months the public voice had been stifled by the astuteness of the governor, and now harmony and good understanding subsisted throughout the province. On the first day of the session, November 3d, John Harvey of Perquimans was unanimously elected speaker, and it was not until November 7th that

C. R., VII, 343

Harvey speaker



1766

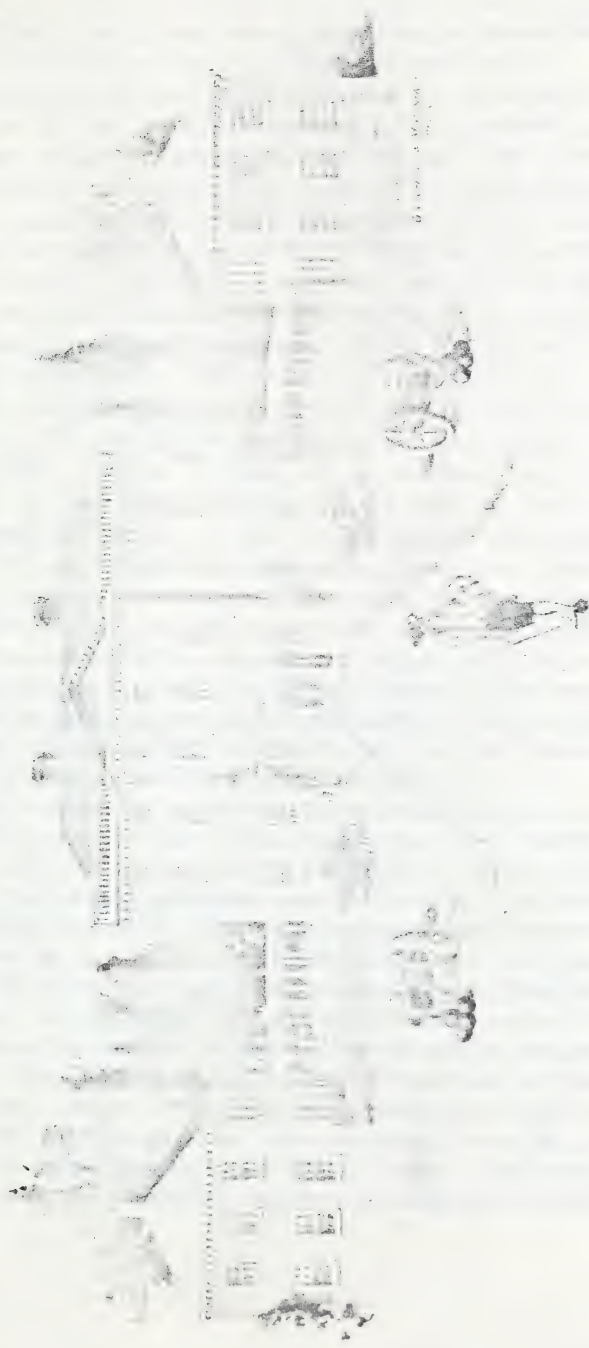
C. R., VII,  
347-350The tone  
of the  
Assembly

John Ashe, the speaker of the former house, appeared and took his seat as a member. The temper of the house while kindly was not subservient. The committee to prepare a response to the governor's opening address were Elmsly, Maurice Moore, Sam Johnston, Cornelius Harnett, Edmund Fanning, Robert Howe and Joseph Hewes. In it they said: "This house is truly sorry that any reason whatever should have prevented your meeting this Assembly till this time. The alarming tendency of the stamp act and the reproachful names of rioters and rebels which were liberally bestowed on his Majesty's faithful subjects of North America rendered it in our opinion highly expedient that this house should have been assembled some months sooner." Continuing, they said: "It is our duty to acknowledge in the most grateful manner the moderation and goodness of his Majesty and the justice of his Parliament in removing from us a burden much too heavy for us to bear." A similar tone of fine manhood pervaded the address, yet they manifested a kindliness toward the governor himself, and congratulated him "on a peculiar mark of the royal favor to this province, manifested to us in your appointment to this government; and be assured we will cheerfully take all occasions to render your administration easy and happy."

The council took great exception to the strictures of the Assembly, but the governor carefully suppressed his own sentiments, merely declaring that he was "an utter stranger to the reproachful and detestable title of rebel; that such an opprobrious title never found place in my breast; nor am I conscious of having ever misrepresented or aggravated any part of the disturbances in the colonies, either general or particular."

On November 22d the house appointed Messrs. Ashe, Fanning and Howe a committee to prepare an address of thanks to the king "on the happy event of the repeal of the stamp act;" and on the 26th Ashe, the central figure in the stamp act proceedings, submitted the address to the house. It was strong and manly as well as patriotic. There was no wavering; no apology. The language used to the governor was now repeated to the king. The stamp act was "a burden much too heavy for us to bear," but they





GOVERNOR'S PALACE, NEW BERN





spoke of their "cordial and natural attachment to the mother country, and love and duty to his Majesty's royal person."

Because of the failure to elect a treasurer for the southern district at the last session the governor had appointed as temporary treasurer Samuel Swann, and now the lower house proposed to appoint John Ashe. The upper house, however, again asserted its right to participate in the election, and inserted the name of Louis DeRosset, as on the former occasion. But on the lower house standing firm the council proposed to amicably settle the difference by joining in and making the same nomination, without abandoning its claim of participation; and Ashe was thereupon elected. The restoration of good feeling between the Assembly and the Crown was signalized by the passage of an act appropriating £5,000 for the building of a residence for the governor at New Bern, virtually making that the seat of government; and taxes were laid for the purpose of paying the cost of construction. To the governor himself was given power to design the building and to contract for its completion. Governor Tryon soon found that the amount appropriated was not sufficient to complete a building according to the plans adopted, but nevertheless he proceeded in the erection of a magnificent structure, surpassing any other building in the colonies, having reason to believe that the Assembly would make an additional appropriation.

At this session the act concerning marriages, passed in 1741, was amended, much to the gratification of the Presbyterians. By that act the justices of the peace where there were no established ministers were authorized to perform the marriage ceremony. These justices in the western counties were for the most part Presbyterians, as the great mass of the inhabitants were, and now the law was changed, extending the privilege of performing this service to Presbyterian ministers; but the fee for the service was reserved to the ministers of the established church in the parishes where one was settled; and the marriage license was to be granted by the governor, who furnished a supply in blank, and signed by him, to the county clerks. On December 2d, with very amicable relations existing between the

1766

C. R., VII,  
321  
S. R.,  
XXIII, 664

New Bern  
the Capital

S. R.,  
XXIII, 672  
Marriage  
Act

1766  
C. R., VII,  
575



1767

governor and the Assembly, the session was brought to its close.

### The Cherokee line

C. R., VII.  
245, 460, 470

1767

In the progress of settlement the colonists were encroaching on the hunting grounds of the Indians, and there was more or less friction along the whole frontier from Canada to Georgia. The king and ministry were anxious to prevent hostilities, and some of the Cherokee chieftains had visited England and been assured by the king of his purpose to protect them. Dividing lines were ordered to be run that should mark the hunting grounds of the Indians and the limits of the territory open to settlers. Such a line had been run from McGowan's Ford, on the Savannah, northeastwardly to Reedy River, leaving a considerable territory east of the mountains in South Carolina as Indian lands: and Governor Tryon was ordered to have that line continued through western North Carolina. The Indians had in October agreed that the line should run from Reedy River north to the mountains, and then to Chiswell's lead mines on the New River or the Kanahwa. Now some chiefs contended that it should be run direct from Reedy River to the mines. Governor Tryon was desirous that the change should not be made, but that the North Carolina boundary should be the mountains. In order to effect his purpose he proposed to attend the meeting of the Indians and surveyors. It is to be observed that the dividing line between North and South Carolina had been marked out only to the Catawba nation, and to the westward of the Catawba River it had not been established at all; but in any event North Carolina was interested in running the Indian boundary north from Reedy River to the mountains, for that left no Indian hunting grounds east of the mountains. Many Indian chieftains were to be present and locate the line. On May 6th the governor left Brunswick, and on the 21st, with an escort of fifty men and a considerable number of surveyors and woodsmen, he took up his march from Salisbury for Reedy River, where he was to meet the Indians. On June 4th, with their sanction, Governor Tryon directed the line to be run a north course to the mountains. He favorably im-



pressed the Indian chieftains, one of whom was the Wolf of the Keowee, the others having similar names; and they complimented him, after their fashion, by conferring on him the title of "The Great Wolf." The line was run fifty-three miles north, where it struck a mountain, which the surveyors named Tryon, now in Polk County, on the dividing line between the Carolinas, but then supposed to be well within the limits of North Carolina, in fact located on the map of that period as being in the Brushy Mountains, so little was then known of the western portion of the province.

1767  
C. R., VII,  
508  
Great Wolf  
of Carolina

On his return the governor issued a proclamation forbidding any purchase of land from the Indians and any issuing of grants for land within one mile of the boundary line.

Some years earlier adventurous hunters had begun to pass the mountains in search of game. Of these Daniel Boone was perhaps the boldest. He crossed the valley of the Holstein, passed through Cumberland Gap, and visited Kentucky. At length, about 1768, settlements began to be made on the Watauga, the first to erect a cabin and to move his family, it is said, being William Bean, removing from some North Carolina settlement. Others soon followed. Thus began the occupation of that region, which later received large accessions from the inhabitants of the western counties.

Boone

Watauga

On December 5th the legislature again met. It made provision for paying the cost of running the Indian boundary, amounting to about £400, expressed its sense of high obligation to the governor for superintending it in person, thanked him for his care in erecting the governor's house and for calling attention to abuses in the collection of taxes by the sheriffs, and referred to the harmony and industry that prevailed in the province, but called attention to the distress, almost ruin, that seems "to be our inevitable lot from the great want of a sufficient quantity of circulating currency."

C. R., VII,  
505

### New legislation

The two years for which the court law had been enacted being about to expire, a new law, establishing six judicial districts, was enacted to continue in force for five years and until the end of the next session of Assembly thereafter. These courts were to be held by the chief justice and two

S. R.,  
XXIII, 688





2768

associate justices, and in case of the absence of the chief justice or either of the others, it was lawful for one to hold the court. Maurice Moore and Richard Henderson were appointed the associates.

S. R.,  
XXIII, 711,  
723

An additional £10,000 was granted for finishing the governor's house and a poll tax of 2s. 6d. was imposed for three years for that purpose. A stringent law was enacted with regard to the accounting of sheriffs, and members of the Assembly were declared ineligible to the sheriffalty. Public warehouses were established for tobacco at Campbellton, at Tarboro, Kinston, Halifax, and seven other points in the northern part of the province, inspectors to give receipts for the same, their receipts or notes being transferable in the course of trade; and similar warehouses were established at Campbellton and Halifax for the storage of hemp and flax.

Commissioners were appointed to construct a public road from the frontier in Mecklenburg County—that then extended to the mountains—through Rowan, Anson and Bladen, to Wilmington. The design was to connect the back country with the seaports of the province, the people of Mecklenburg and Rowan having theretofore established trade relations with Charleston.

Under Governor Tryon's influence and the progress of events, there was a disposition to depart from the simplicity of former years, illustrated by the construction of the governor's palace, and the Assembly determined that the speaker and other officers of the two houses should appear in robes appropriate to their offices, and the governor was requested to procure them at the public expense. On January 16, 1768, the business of the session being well finished, the Assembly was prorogued until May.

Tryon joins  
in asking for  
currency

Because of the general distress incident to insufficient currency, acknowledged by the governor and merchants as well as by the people, a petition to the king was drawn by the Assembly, praying leave to issue £100,000 in paper currency, and promising not to make any currency lawful tender for any indebtedness to the Crown or to any merchant or others residing in Great Britain. The inference was that this paper currency would be made legal tender for debts within the province. Governor Tryon strongly urged that

C. R., VII,  
681



this request should be granted. He dwelt on the great need for currency in the province, representing that there was not enough for the payment of taxes, and that indeed he thought that the ability of the people to raise the funds for the governor's mansion depended on this proposed issue of currency. He therefore had a personal interest in the matter. But the petition was denied on the ground that legal tender paper currency led to frauds, and that no consideration of local inconvenience would induce the ministry to ask Parliament to depart from the principles of the act it had passed in 1764 forbidding the issue of legal tender paper money. Later Tryon again urged that this favor be granted to the people, for the public distress was augmented by the new taxes laid for the mansion, for the judges and other officers, and for other expenses that had been incurred at his instance. Much to his mortification he was curtly answered by the Earl of Hillsborough that the subject had been disposed of and could not be reconsidered.

1763

Currency  
petition  
refusedC. R., VII,  
679, 681

Pursuant to the declaratory act of March, 1766, new custom duties had been imposed on the colonies by act of Parliament and a board of customs officers was appointed. This proceeding led to the publication of "Letters from a Pennsylvania Farmer" that again aroused the colonists, and the Assembly of Massachusetts in February, 1768, issued a circular letter to the other colonies, asking for "a united and dutiful supplication" to the Crown, but the apprehension was expressed that they would be considered "factious and disloyal, and having a desire to make themselves independent of the mother country." This letter was received by Speaker Harvey on the first day of April; and at the end of that month the governor prorogued the Assembly till the middle of June. In the meantime the burgesses of Virginia had made a similar address. Soon afterward Governor Tryon received directions from the Earl of Hillsborough that if the Assembly of North Carolina should indicate any purpose to take action on the subject, he should prorogue or dissolve it, and in conformity with these instructions he prorogued the Assembly.

New  
custom  
duties  
imposedC. R., VII,  
688

1768

C. R., VII,  
711



1768

## The Regulators associate

While continental matters were thus again claiming public attention, the people in the back parts of North Carolina were continuing their efforts to redress their local grievances. The initial proceedings of this movement had been directed from Sandy Creek, a tributary of the Deep (now in the eastern part of Randolph County), where Hermon Husband\* resided. In the same vicinity lived his brother-in-law, James Pugh; William Butler, the Coxes, Hendrys, Fudges, and other active men. Farther north was the residence of James Hunter, the first cousin of James and Alexander Martin, a man of parts and a strong speaker. Rednap Howell, another agitator, was a schoolmaster, and a maker of rhymes, whose point and wit, rather than their musical cadences, appealed to the popular heart. The greatest interest was manifested by the people west of the Haw. In February, March and April meetings were held at various points, and it was resolved that they should be held regularly every three months. The officers had not attended, as required, to give an account of their stewardships. The demands of the people were unsatisfied. Under the direction of their leaders they proposed to press forward, and a new character was imparted to the movement. An oath-bound association was entered into, binding the subscribers to pay no taxes until they were satisfied that the levies were agreeable to law; and to pay no officer any more fees than the law allows; and they desired "that the sheriffs will not come this way to collect the levy, for we will pay none before there is a settlement to our satisfaction," and they asked that their assemblymen and vestrymen should appoint a time to settle with them. Hitherto the inhabitants engaged in these proceedings had assumed no name, and were spoken of as "the mob," or "the country;" now they began to be known as "the Regulators."

1768

C. R., VII,  
713 *et seq.*C. R., VII,  
671, 726C. R., VII,  
699, 726 *et seq.*

The Sons of Liberty had vetoed the power of Parliament to tax America. The Regulators of Sandy Creek, not questioning the power of their county courts and Assembly to

\*While this name has been generally spelled *Husbands* there is no question that the true spelling is *Husband*. See facsimile autograph in Weeks, *Southern Quakers and Slavery*, 178.





lay taxes, vetoed the collection of the levies until they themselves should have passed on the propriety of payment.

The grievances they sought to remedy were general, all persons except the officers being affected, and they had the sympathy of even those who had not subscribed the association. By April they were assured of the coöperation of many in the adjoining counties of Rowan and Anson, and they were strengthened in their purposes by these accessions. It was not long before an occasion arose for determined action. On April 8th Sheriff Harris of Orange distrained a horse for a levy. The people were quick to resist. A hundred armed men appeared in Hillsboro, then a hamlet of two stores, a few straggling log dwellings, a framed building or two, and a small wooden court-house. They seized the sheriff and tied him, took possession of the horse, treated several of the inhabitants roughly, and being provoked by some one at the residence of Colonel Edmund Fanning, shot several bullets through the house, but without wounding any one. Colonel Fanning was an attorney and was absent, attending the court at Halifax. He was a representative of the county in the Assembly, colonel of the militia and register of deeds, by the appointment of the governor, in whose regard and esteem he stood very high. He was the leading officer of the county, and had now become the chief object of popular resentment.

This outbreak caused consternation among the officers of the county. They had long been threatened; now threats had become action. John Gray, the lieutenant-colonel of the militia, hastened to consult with Major Lloyd, proposing to call out the militia men, and he despatched information to Colonel Fanning. Fanning immediately ordered the captains of the militia to raise their companies; but the defection was so prevalent that to the astonishment of the officers, only one hundred and twenty men responded. Indeed Adjutant Francis Nash, who was also the clerk of the court, reported that such was the universal dissatisfaction with the officers and leading men, that one hundred and fifty men could not be raised in the whole county to oppose the Regulators. Fanning hurried to Hillsboro and found that the people in every part and corner of the county were confederating by

1763

The  
oath-bound  
associationC. R., VII,  
705, 710  
*et seq.*Hillsboro  
raidedC. R., VII,  
713 *et seq.*



1768

C. R., VII,  
716Micklejohn  
counsels  
moderationC. R., VII,  
718, 720Husband  
and Butler  
arrestedC. R., VII,  
743The people  
in arms

solemn oath and with open violence to refuse payment of taxes and prevent the execution of the law, threatening death and destruction to himself and others. He reported to Governor Tryon that he learned that on May 3d they were to environ the town with fifteen hundred men and execute their vengeance on him; and if not satisfied to their desire they were to lay the town in ashes. Great was the excitement, and panic prevailed. On April 25th. the Regulators held a general conference, and on that occasion the minister of the parish, Rev. George Micklejohn, attended and persuaded them from going to Hillsboro in a body, but to appoint twelve men to be there on May 11th and have a settlement with the officers in accordance with instructions then agreed on.

Governor Tryon, on being informed of the riotous proceedings of April 9th, ordered the militia of Bute and six neighboring counties to hold themselves in readiness to march to Fanning's assistance; and wrote advising that if there were any grievances, the people should appeal to the Assembly; and he declared that every matter founded in equity and justice would have his support, on condition, however, that the people would disperse and that order and tranquillity should be restored. These despatches were borne by his secretary, Mr. Edwards. But Fanning had not been content to await developments. He proposed to act with resolution. On Sunday night, May 1st, having caused warrants to be issued for the arrest of Husband and William Butler, Fanning with twenty-seven men dashed out to Sandy Creek and early Monday morning made the arrests, and hurried back to Hillsboro, where an order was prepared to incarcerate the prisoners in the New Bern jail. The news flew through the country and a prodigious enthusiasm aroused the people; they hurried with their arms to Hillsboro, but in the early morning as some seven hundred men were approaching the town, they were, to their astonishment, met by Husband. As quick as Fanning had been, popular action had been equally as speedy. The country was in arms, and the prisoners could not be conveyed to New Bern without rescue, and so, constrained by the uprising of the people,



Fanning caused them to be released on bail. Thus Husband was unexpectedly restored in safety to his friends.

1768

Later in the morning Secretary Edwards came out to meet the people. He read to them the governor's proclamation, and promised in the governor's name, if they would return to their homes and be quiet, he would seek to secure a redress of their grievances and would lay the matter before the Assembly. To this they agreed, saying that that was all they wanted. Such a petition was drawn for signature. While it was being circulated among the people there were a few days of repose. Ralph McNair, a warm friend of Fanning, had lately spent some days with Husband, who had conferred with him as to the criminal offences that mobs might commit, and on McNair's return to Hillsboro he addressed a long letter to Husband more fully explaining these criminal matters, and urging him to come and confer with Fanning, bringing with him other men of his neighborhood, such as William Butler, John Lowe and James Hunter; and he enclosed a petition which he suggested should be adopted and signed by the Regulators. But that petition did not meet their views, and at a general meeting, held on May 21st, it was resolved to hold by the first draft that had then been signed by about four hundred and fifty men, and a committee was appointed to prepare an address to the governor, giving a full narrative of the grievances of the people, and of their action from the beginning. This paper is exceedingly well written and reflects much credit on its author. It was signed by John Lowe, James Hunter, Rednap Howell, Harmon Cox, John Marshel, William Cox, William Moffitt and George Hendry, one of whom probably wrote it. It was drawn with candor, and in some measure it bears testimony of the esteem in which Governor Tryon was held even by the Regulators themselves. At a meeting of the committee on May 30th, held at Cox's Mill on Deep River, they directed James Hunter and Rednap Howell to lay this address, the petition, and all the accompanying papers before the governor and council. This duty was performed on June 20th, and the next day the governor, with the concurrence of the council, wrote his reply addressed to "the inhabitants on the south side of the Flaw." While calling on

C. R., VII,  
733, 758, 767Their  
petitionC. R., VII,  
769 *et seq.*C. R., VII,  
766





1768

C. R., VII,  
792, 794  
Tryon's  
answer

the people to desist from any further meetings and to abandon all title of Regulators or associators, and to allow the sheriffs and other officers to execute their duties, the governor promised to "listen to the voice of distress and the just complaints" of the people and "the hardships they may groan under," and to give orders for the prosecution of every officer who had been guilty of extortion or illegal practices. At their request the governor also informed them that the provincial tax for 1767 was seven shillings, to which were to be added the county and parish taxes. The Regulators, however, concluded that some of the provincial taxes laid for a particular object had long since answered the purpose of their creation, and that the public funds should be in a very different situation from that reported by the Assembly and the treasurers. They also saw that the proclamation of the governor against the taking of illegal fees had had no effect, for the register, they said, had raised his fees rather than reduced them.

#### Tryon reaches Hillsboro

C. R., VII,  
796

On July 6th Governor Tryon, who resided during the summer months in the up country, arrived with his family at Hillsboro. Days passed, and no answer was received to his letter, but he learned that the Regulators were continuing their meetings. A difficult situation was presented. Large numbers of the inhabitants, not actuated by any vicious propensity, had joined themselves together in an oath-bound association to nullify the law. That the grievances they complained of were not merely imaginary, the governor had reason to believe. Thus far he had treated them with consideration, courtesy and respect. He had received their communications from their representatives and had answered while firmly, yet neither arrogantly, defiantly nor unkindly. As a representative of the king and the chief officer of government, he could do not less than require submission to the constituted authorities, but apparently he sought conciliation. The time coming on for the appointment of sheriffs, he did not reappoint the sheriffs of Orange and Rowan, but substituted Lea for Harris in Orange and appointed a new sheriff for Rowan. Still Harris had to collect the back taxes,

C. R., VII,  
799, 821



and the governor on August 1st, being determined to assert the authority of the province, sent Harris among the Regulators to make collections and advise them that he expected them to obey the laws of the country according to his letter of June 21st.

1765

Two days later the sheriff returned and reported that he found assembled at the meeting at George Sally's nearly four hundred men, who unanimously refused to pay any taxes and declared they would kill any man who should dare to distrain for their levies. Other unavailing intercourse ensued between the governor and the Regulators, and the flame of discontent was constantly fanned. By August 9th five hundred men assembled at Peeds, and information was brought to Hillsboro that if the insurgents' demands were not complied with they would burn the town. The next day they approached to within twenty miles of Hillsboro, and matters wore a serious aspect. But Tryon was not dismayed. He ordered out all the militia, two hundred and fifty of whom obeyed the call, and proceeded to fortify the town. On the evening of the 12th eight of the principal insurgents sought an interview with the governor to arrive at an understanding.

The  
Regulators  
determinedC. R., VII,  
819 *et seq.*They  
approach  
HillsboroC. R., VII,  
804Tryon  
orders out  
militia

One of the wild rumors that flew among the people was that the governor was to bring down the Indians on them, and that he was raising the militia to harry their settlements. It was this that inflamed them. At this interview the governor made denial of such purposes; Colonel Fanning and Mr. Nash agreed to submit the differences between the people and themselves to the judgment of the supreme court; and it was further agreed that the accounts of the sheriffs and other officers, after being examined and approved, should be posted at the court-house, and that the sheriff should make no collections until after the approaching superior court in September. At the same time the governor gave directions that the Regulators should meet on August 17th at George Sally's, where the sheriffs should attend with their settlement and give satisfaction to the people. These terms satisfied the leaders, and the Regulators dispersed and returned to their homes. But the governor was not at all satisfied. By show of force the people had gained a point; and unless

They  
disperse



1768

C. R., VII,  
724, 706

In Anson

C. R., VII,  
807

In Johnston

C. R., VII,  
885C. R., VII,  
701

the powers of government were asserted, they would persist in having their own way. The extension of the movement had become formidable. Already their general meeting was spoken of by their committeemen as their "General Assembly." From Anson, where in May the inferior court had been broken up, came an address to the governor from the malcontents, informing him that they to the number of five hundred had resolved if nothing happened to their succor to defend their "cause in the disagreeable manner of a force, and to have persisted unto blood." In August also came the disturbing information that a body of eighty men had assembled at Johnston County court with the intention of turning the justices off the bench. It was the very first day of the term. The justices adjourned court for the term, and rallying the friends of government attacked the insurgents, and after a smart skirmish drove them out of the field. It seemed to the governor, if the movements were not arrested, that civil government in most of the counties would be overturned, and that the insurgents would abolish all taxes and debts, and all laws for the enforcement of order. The trial of Butler and Husband was to be at the September term of court, and grave apprehensions were felt that the Regulators would rescue their leaders if convicted. Against such an event the governor took pains to guard. On August 13th, with the concurrence of the council, he required that twelve of the principal men should wait on him at Salisbury and give bond as security that no rescue should be made of Butler and Husband; and he determined to call on the people not involved in the defection to rally for the support of government. He proposed to embody the militia of the western counties to protect the court and enforce its judgments.

### The army of 1768

Aug., 1768

On the very day that Sheriff Lea was to meet the people at George Sally's by the governor's own appointment, Governor Tryon left Hillsboro for Salisbury, where he arrived the next evening. He issued orders for the review of the Rowan regiment on the 26th, and then hastened on to Mecklenburg, where he found emissaries from Orange arousing





the people. The purpose of the governor was to collect a force of volunteers through the militia organizations to sustain the court and curb the Regulators. On the 23d nine hundred militiamen were reviewed at Colonel Polk's, and an association oath to "maintain the government and laws against all persons whatsoever who shall attempt to alter, obstruct or prevent the due administration of the laws or disturb the peace and tranquillity of the province," was tendered them, but it being objected to, the call for volunteers was postponed. Subsequently a large number volunteered.

Reaching Salisbury on the 25th, the governor found that the Regulators, while declaring that they had no intention to release the prisoners, declined to give the bonds required. But if disappointed by this denial, the governor had the satisfaction of receiving assurances from another quarter. The four Presbyterian ministers in the western counties sent him an address, enclosing the pastoral letter they had written to their flocks, urging the Presbyterians to be steadfast in support of government. He also found much gratification in the result of the review of the militia at Salisbury. So prompt and unanimous was the Rowan regiment to respond to his call for volunteers that the governor with great formality presented the king's colors to the Rowan regiment, and requested that Captain Dobbins' company, which was the first to volunteer, should bear them. Returning to Mecklenburg, he directed the volunteers from that county to assemble on September 12th, and issued orders for the Rowan regiment to join him at Salisbury on the 13th. On the night of the 13th the two battalions encamped on the Yadkin, having with them two pieces of artillery, nine wagons and accompanied by droves of bees. *En route* to Hillsboro this little army passed for three days through the very heart of the disaffected district. Orders had been issued for the Orange and Granville militia to assemble, and on the 21st all the forces were united at Hillsboro. Here, too, the governor was joined by a number of gentlemen from the east and a company of cavalry. But the insurgent leaders had not been inactive. They had collected a force of some eight hundred men, and at daybreak of the 22d took post within less than a mile of the town. However, instead of

1768

C. R., VII,  
809, *et seq.*  
The  
governor  
seeks aid

C. R., VII,  
814

The  
Presbyterian  
ministers

C. R., VII,  
823

C. R., VII,  
825

The  
Regulators  
embolden



1768

C. R., VII,  
84:

They retire

Martin  
HowardThe court  
heldC. R., VII,  
843 *et seq.*Trials of  
1768

making any attack, they opened negotiations for a settlement of differences. Governor Tryon had been ill for several days, an illness that confined him for some five weeks. He convened a council of his officers and required that the Regulators should deliver up their arms, surrender five of their chiefs for trial, and should also declare that they would pay all taxes assessed against them. Not relishing these terms, the malcontents deemed it best to disperse. Thirty of them, however, delivered up their arms. The superior court opened its session on September 22d. It was presided over by Martin Howard, the new chief justice, who had been appointed by the king and now displaced Hasell. He was a lawyer of Rhode Island, where, because of his loyalty in stamp act times, he had been hung in effigy, and his house and property destroyed by the outraged people. Leaving Rhode Island, he had in the intervening years resided in England. With him on the bench were Maurice Moore and Richard Henderson, the associate justices; while McGuire, a fine lawyer, was the prosecuting officer, and John Cooke, appointed by the chief justice, clerk of the court. Husband was indicted and tried for being concerned in the riot, but was acquitted. Fanning was indicted in many cases for extortion, found guilty, and in each case was fined a penny and costs. His defence was that he had submitted the question to the inferior court as to what fees he was entitled to, and he had in every instance taken less than the court had adjudged would be his due. William Butler was indicted for rescue of goods and also for a riot, and John Philip Hartso was likewise indicted for a riot. These were convicted. Butler was fined £50 and sentenced to six months' imprisonment. Hartso's sentence was lighter. Francis Nash appears to have been indicted for extortion, but his case was not tried, and he was bound over till the next term of the court. An indictment against James Hunter, Hamilton and others was found a true bill by the grand jury, but was quashed for irregularity; another indictment against James Hunter and others was also quashed; and still another. From these proceedings it would appear that the court held the scales of justice with an even and impartial hand. Immediately at its close Governor Tryon issued a proclamation, "out of com-



passion to the misguided multitude, and being much more inclined to prevent than punish crimes of so high a nature," granting pardon to all concerned in the disturbance of the public peace, except Hunter, Husband and eleven others; and he released the prisoners and suspended the payment of their fines for six months, and later asked the king to extend pardon to all, both as to persons and fines, except alone as to Husband; and he represented to the king that "to say that these insurgents had not a color for their showing a dissatisfaction at the conduct of their public officers would be doing them an injustice, for both the register and clerk of the county of Orange were found guilty of taking too high fees." Colonel Fanning on conviction immediately resigned as register.\*

1768  
The  
governor's  
attitude

Quiet was now restored to the province, and the Assembly, being convened on November 3d, on the 7th a quorum appeared, and the governor made a report of his proceedings against the Regulators. The house expressed to Governor Tryon its fullest conviction of the necessity for marching troops to Hillsboro, and its detestation of the riotous and illegal proceedings of the insurgents, and gratefully thanked him for his action. It also thanked him for his efforts to secure an emission of paper currency as a legal tender, and again declared that it was "the only remedy of saving this province from ruin." It concurred in the governor's opinion that the interior policy of the country was never more an object of serious concern than at that juncture, and the house added that it was happy in supporting his actions, and that it most sincerely wished that he should long continue to preside over the province.

Nov., 1768  
Governor  
thanked by  
Assembly

C. R., VII  
c31

### Tryon desires to leave

Toward the close of 1768 it had doubtless come to be understood that Governor Tryon was desirous of relinquishing his position as governor. His relations with the Earl of Hillsborough, who was the minister in charge of the colonies, were close, and to him probably Tryon confided his wishes. Not only did he see loom up before him the contest with the people growing out of their resolute purpose not to submit to

\*In England the law officers held Fanning blameless (C. R. VIII, 33.)





1768

S. R., XI,  
219  
Mercer,  
lt. gov.

the exactions of Parliament, but the particular conditions in North Carolina must have been a source of annoyance as having been in some measure the result of his own action in fastening taxes on the people beyond their ability to pay, and thus inflaming the discontent which required force to suppress. Besides, he had suffered grievously in his health, and so in December, 1768, George Mercer was appointed lieutenant-governor. Mercer was a Virginian, and had served with Washington in the French and Indian War. He had been stamp distributor in 1765, and had suffered for his loyalty. Like Martin Howard, he had taken up his residence in England, and now it was proposed to provide for him, as had been done for Howard, in North Carolina. He waited in England expecting to take Tryon's place when he should leave. A little later, an infant son having died in March, and perhaps urged by his wife, Tryon made a formal request to be restored to his regiment, or to be employed at court.

In other  
colonies

Nov., 1768

C. R., VII,  
928

Tryon  
County

He had so managed as to avoid issues and disputes with the Assembly, and at this session his personal influence was still a factor. There had been clashing elsewhere. In Massachusetts the opposition to the collection of the custom duties had led to orders for troops and armed vessels to be stationed at Boston. On receiving information of this movement the people of that city, much excited, requested the governor to convene the Assembly, and when he refused the towns and districts appointed deputies to hold a convention. This body, the first of the kind, met and issued an address on the subject of the people's grievances. In other colonies public ardor was also aroused. When the North Carolina Assembly convened, Speaker Harvey presented the two letters from Massachusetts and Virginia that had been received in the spring. There was evidently a division of sentiment, but moderation prevailed. The speaker was verbally directed to make reply to the letters; and then local affairs engaged the attention of the body. Among the acts passed was one prohibiting that the two offices, clerk of the superior court and clerk of the inferior court, should be held by the same person. A new county was set off on the frontier of Mecklenburg and named Tryon in honor of the governor. Disappointed



in its hopes of being allowed to issue legal tender currency, the Assembly, to pay the indebtedness of the province, now directed promissory notes to be issued to the amount of £20,000, and it authorized the sheriffs to receive in payment of all taxes, except those for the sinking fund, these notes and the promissory notes and receipts given by the inspectors at the public warehouses for tobacco, hemp, rice, indigo, wax, tallow and deer skins. Such were the best measures the Assembly could devise to relieve the financial stringency and to make easy the payment of taxes. To lighten taxation the house also adopted a resolution that a tax of a shilling per poll imposed in 1760, and one of two shillings imposed in 1761 had had their effect and ought not thereafter to be collected; and although the governor could not give his assent to the resolution, the direction of the Assembly was obeyed by the treasurers, sheriffs and people. Governor Tryon, however, again offered to lay before the Crown an impartial statement of the situation, and to urge that permission be granted to emit legal tender paper currency.

1768  
S. R.,  
XXIII, 759  
*et seq.*

C. R., VII,  
983

The obstacle to the appointment of a provincial agent continuing, the house by resolution appointed as its agent Henry Eustace McCulloh, who, though a member of the council, was in England on leave, and was a correspondent of Speaker Harvey; and it adopted a remonstrance and address to the Crown, expressing "their concern and anxiety because of the acts of Parliament in regard to taxation" and declaring that "free men cannot be legally taxed but by themselves or their representatives," and praying the king's "interposition in favor of the distressed and oppressed people in the colony." Its tone, however, was submissive rather than obstructive. It did not please Sam Johnston, who denounced it as "great pusillanimity." On the other hand Tryon felicitated himself on the temper and moderation of the Assembly. Doubtless there was a motive to seek favor abroad and, through the good offices of Governor Tryon, to secure if possible permission to issue legal tender currency, which was deemed so vitally necessary to the peace and happiness of the people. The chief obstacle in the way of accomplishing this purpose was Lord Hillsborough, and

C. R., VII,  
677, 973;  
VIII, 9  
H. E.  
McCulloh,  
agent



1765)

C. R., VII,  
973

with him Tryon was supposed to have a particular influence. Having adopted its address and appointed an agent to present it, the house now appointed a committee of that body to conduct the correspondence. Among those appointed were Samuel Johnston and Joseph Hewes, but they declined the service, Johnston saying that the proceedings "were so inconsistent with his sentiments" that he refused to join in the address. The address was well received by the king, and Lord Hillsborough at once indicated that while he could not assent to the issue of a legal tender currency, yet if the Assembly would ask to issue a paper currency founded on credit, similar to that of New England and Maryland, every indulgence would be allowed.

C. R., VIII,  
39, 58-60

In England there was much diversity of views in regard to America. Parliament in February urged the king to action, and that he should have offenders against the law transported to England and tried there; but McCulloh wrote to Harvey: "I have it from authority to acquaint you that the acts complained of are to be repealed—their proud stomachs here must come down—our politics are a scene of confusion. Men's minds seem greatly inflamed. The ministry most cordially hated." Hillsborough himself wrote to Tryon that "in the opinion of the present ministry it was inexpedient to tax America; that instead of other taxes, at the next session the ministry is to propose to take off the duties on glass, paper and colors."

March, 1769  
C. R., VIII,  
3\*

Six months had now passed with no notable disturbance among the people. At March term James Hunter was tried at Hillsboro and, although convicted, was awarded a new trial. Husband, who was also then tried, was acquitted. Sheriff Lea, when attempting to arrest some of the former insurgents, was seized by their friends and severely whipped; but the governor, who seemed inclined not to be too quick to raise a quarrel with the people, said that the act did not meet with the general approbation of the Regulators, and the people were quiet; yet the council recommended that the prosecution of the offenders should be conducted with the utmost rigor of the law. On May 6th, Governor Tryon, announcing that he had qualified under his commission as





governor, dissolved the Assembly and issued his writ for an election of new members, to be held July 18th.

In view of this election the Regulators issued an address to the inhabitants of the province, hoping to change the personnel of the Assembly. In it it was declared that the causes of the commotions were the misapplication of the public money to the enriching of individuals without defraying the public expenses; pillaging the people by exorbitant and unlawful fees of public officers; limiting the jurisdiction of the inferior courts, dragging the people into the superior courts, adding greatly to the necessary expenses and cost of litigation. Especially was stress laid on the enormous increase of the provincial tax, and with fine art it was said: "Many are accusing the legislative body as the source of all these woeful calamities. These, it must be confessed, are the instrumental cause." But the address bluntly laid the trouble at the door of the people, and asserted that "the original, principal cause is our own blind, stupid conduct in choosing persons to represent us who would sacrifice the true interests of their country to avarice or ambition." It was declared that "the majority of our Assembly is composed of lawyers, clerks and others in connection with them, while by our own voice we have excluded the planter." It was a strong address. It had its effect in Orange, Granville and Anson. In Anson, Spencer was rejected by the people; in Granville, Tom Person and Howell Lewis were elected. Orange sent Husband and Pryor instead of Edmund Fanning and Thomas Lloyd. Mecklenburg and Rowan, however, stood firm. In the latter Rutherford was again returned, but Frohock, then under grave charges, gave place to Sheriff Locke. While there were other changes in several counties, they do not seem to have been due to these influences. However, the Regulators were not content to rest there. In August a committee was raised to attend the Salisbury court, and to bring to justice those officers who had broken the law; but their efforts were without avail, for in every case they presented the grand jury ignored the bills. Yet they had this satisfaction—that the governor, having received authority from the king, now issued his proclamation pardoning

1763

C. R., VIII,  
33  
Wheeler,  
Hist. North  
Carolina, II,  
325The causes  
of complaintHusband's  
bookC. R., VIII,  
106C. R., VIII,  
67



1769

James Hunter and all other persons who had been concerned in the disturbances of the previous year. The ordeal of the courts had been stood. No punishment had resulted.

Storm at  
New Bern

On September 7th a great disaster befell New Bern and the eastern part of the province. The severest storm ever known devastated that section. The tide rose in a few hours at New Bern twelve feet higher than ever before, and the wind blew so violently that nothing could stand before it. Every vessel and boat was driven up into the woods. One entire street, with its houses, storehouses and wharves, was swept away, and several of the inhabitants were carried off in the flood. Bridges and ferryboats were destroyed, and the roads were impassable for weeks because of the fallen trees.

C. R., VIII,  
71, 179  
The new  
Assembly

For the most part the crops were lost and there was great suffering in all that region. In the midst of this wreckage the Assembly met in October at New Bern, Harvey again being the speaker. The situation was somewhat different from that at the previous session. In May the Virginia Assembly had adopted vigorous resolutions against the acts of Parliament, and George Washington was about to present resolutions again recommending the non-importation of British goods, when Lord Botetourt, the governor, hastily dissolved the Assembly. But the members were not to be thus outdone. They immediately convened as a sort of convention at Raleigh Tavern and adopted Washington's resolutions and communicated their action to the other colonies, and once more non-importation agreements were entered into by the people in all the provinces.

Oct., 1769

The meeting  
at Raleigh  
Tavern

Similar sentiments dominated in North Carolina, and to allay them Governor Tryon in his address to the Assembly urged that: "The weighty concerns that will fall under your consideration this session require all possible temper and moderation;" and he had the happiness to inform the body that the ministry, instead of laying further taxes, had the intention to propose to Parliament to take off the duties on glass, paper and colors; and he besought their prudence and candor and a confidence that would remove the prejudices that had been excited against the mother country.

C. R., VIII,  
88



## The house proceeds to business

1769

Petitions were presented to the Assembly by many inhabitants of Anson County, and also by inhabitants of Orange and Rowan, setting forth the grievances of which the Regulators complained, and urging remedies. These papers, like the address to the governor of May, 1768, were admirably drawn. Especially were the remedies recommended in the Anson petition worthy of the earnest consideration of the Assembly. They proposed reforms that in the progress of events had become necessary in the administration of public affairs. The house first, with the concurrence of the governor, appointed an agent for the colony, McCulloh being continued in that employment. Then, when it had hardly entered on the business of the session, Speaker Harvey presented the resolutions transmitted by the House of Burgesses in Virginia.

Nov. 1769  
Petitions for  
new counties

C. R., VIII,  
75-81, 151

Nothing now was to be gained by moderation. The appeals of the governor were disregarded and the Assembly at once unanimously adopted similar resolutions and also

C. R., VIII,  
122  
The  
Assembly  
defiant

"RESOLVED, That the sole right of imposing taxes on the inhabitants of this his Majesty's colony in North Carolina is now and ever hath been legally and constitutionally vested in the house of Assembly, etc.

"RESOLVED, That all trials for treason or crime whatsoever committed in said colony by any person residing therein ought of right to be had and conducted in and before his Majesty's courts held within said colony," etc.

In the address to the king the Assembly said: "We cannot without horror think of the new, unusual, and permit us to add unconstitutional and illegal mode recommended to your Majesty of seizing and carrying beyond seas the inhabitants of America suspected of any crime," etc.

An address to the king was adopted which the committee of correspondence was to transmit to McCulloh "with directions to cause the same to be presented to his Majesty and afterward to be published in the English papers." This measure, as violent as it was unexpected, was a blow in the face to the governor. As a salve to his wounded pride, the house, however, assured him of its steadfast confidence in

C. R., VIII,  
135





1769

Nov. 6-7,  
1769S. C. Gazette, Dec. 3,  
1769Non-im-  
portation

his good purposes and intentions, and of its unalloyed esteem and attachment; but its action required him under his instructions to dissolve the Assembly, and this he did with some show of mortification rather than of anger. But the members, notwithstanding the dissolution, immediately repaired to the court-house, organized by electing John Harvey moderator, and prepared an association paper which they signed, pledging themselves to non-importation and not to use goods of British manufacture.

C. R., VIII,  
169, 170

Writing to Lord Hillsborough in January, Tryon referred to his application to be relieved as governor, and remarked that the proceedings of the Assembly wounded his sensibilities--the more because he was dangerously ill at the time. He had no expectation of re-establishing cordial relations. "Confidence, my lord," said he, "that delicate polish in public transactions, has received an ugly scratch, and I fear we have no artists here who can restore it to its original perfection." He would have been glad to leave the province at once, but until the building at New Bern should be completed and his accounts should be passed on, he felt it necessary to remain; but he ardently requested leave to return to England in the spring of 1771. Hillsborough about the same time directed him to call a new election of representatives, and urged that he should be cautious in his speech; for indeed the governor's address to the last house, "pledging the faith of the Crown for the repeal of some taxes," had been brought into Parliament, and a motion made there that "it was derogatory to his Majesty's honor, and to the freedom of parliamentary deliberation." But Hillsborough was able to protect him, and the proposed rebuke failed to pass.

Martin,  
Hist. North  
Carolina,  
II, 253The wishes  
of the  
peopleC. R., VIII,  
75-80

Before the dissolution the house had entered zealously on business. The petitions of the inhabitants of the different western counties were read to the Assembly by Husband, one of the representatives of Orange. Apparently they were not drawn by the same hand. One from Orange, signed by Francis Nash and other officers of the government, asked that there should be established at Hillsboro a public inspection of tobacco and hemp, and other commodities; one from Anson County particularly desired that Presbyterian ministers might be allowed to celebrate marriage with pub-



lication of banns. The grievances complained of by the Regulators were set forth in petitions from Anson and from Orange and Rowan. The state of the sinking fund was particularly commented on. A division of Orange and Rowan was asked for. It was proposed as remedies for existing evils the use of tickets and ballots at elections; imposing taxes on estates; not collecting taxes in money until there was more currency; abolishing fees and perquisites for the chief justice, paying him by a salary; giving to a single justice the power to enter final judgment without appeal and without lawyers on small debts; restricting the fees of clerks and lawyers, and relieving defendants of costs on indictments when not found guilty by the jury. The Assembly was also requested to send a remonstrance to the king on the conduct of the receiver of quit rents, and also in regard to the action of the governor and council in granting warrants for lands. And the Assembly was asked to establish warehouses on the Peedee, on the Catawba, at Campbellton, and at some point in Tryon County; and finally that every denomination of people might marry according to their respective ceremonies. Some of these proposed reforms had in the progress of events become necessary in the administration of public affairs, and were worthy of the earnest consideration of the Assembly.

Reforms

Agreeably to these petitions the Assembly had at once begun to devise remedial legislation. A bill allowing a single justice to try cases involving only £5 passed all of its several readings, except the third in the council, when the dissolution occurred, and it fell. Another, to limit the fees taxed for attorneys, met with a similar fate. The Assembly was pressing forward in the consideration of such measures when it was notified of the impending dissolution; and then in its last moments, with the hope and expectation of beneficial results, it passed some resolutions intended on the one hand to remove grievances and on the other to curb popular demonstrations. It resolved that the public accounts, beginning with the year 1748, should be examined and stated by Mr. John Burgwin, confessedly a very competent accountant, who was required to make his report at the next session; and it resolved that if any public officer exacted illegal fees, on

C. R., VIII,  
131  
The  
Assembly  
responsive

C. R., VIII,  
139  
Public  
accounts

1769



1765

conviction he should receive the highest punishment the house could inflict. But opposition to sheriffs being prevalent and peace within the province being of the greatest moment, the house declared that all persons who opposed sheriffs in the execution of their office should be regarded as enemies of their country and deserving of the highest punishment.

The failure of remedial enactments because of the unexpected dissolution was a great disappointment to those members of the Assembly who sympathized with the Regulators. A similar disappointment was felt generally by the people at the west. They had counted much on their appeal to the Assembly, and now the Assembly had passed without result.

Feb., 1770

In February the governor issued a proclamation for a new election of assemblymen. In view of this election the leaders of the Regulators at once entered on an active campaign to gain members favorable to their interest. Large parties visited the counties in the upper districts, and even ill-treated those who refused to join their standard. As yet they had not paid their taxes. For the year 1766 the sheriff of Rowan reported 1833 of them delinquent. For the year 1768 only 205 paid taxes in that county, not being one in ten of the inhabitants. On March 13th, the day after the election, Judge Moore, who was holding court at Salisbury, wrote to the governor that "there is no such thing as collecting the public tax or levying a private debt," and that civil process could not be executed among the Regulators. Early in April the governor therefore issued a proclamation commanding the enforcement of the law and requiring that all sheriffs obstructed in their office should attend at the next meeting of the Assembly.

C. R., VIII,  
156, 192, 195The Sons  
of Liberty  
ActiveSouth  
Carolina  
Gazette,  
July 26, 1770

The rebellious action of the late Assembly, however, determined the governor to postpone the meeting, and he prorogued the Assembly until November. But proroguing the Assembly did not deter the people. At a general meeting of the Sons of Liberty of the six Cape Fear counties, held at Wilmington on July 5th, Cornelius Harnett being the chairman, it was resolved to adhere to non-importation; and as Rhode Island had violated her faith, they resolved to have no mercantile dealings with Rhode Island, and that "all mer-





chants who will not comply with the non-importation agreement are declared enemies to their country." And it was asserted that not only the inhabitants of the six counties, but of every county in the colony, were "firmly resolved to stand or fall with them in support of the common cause of American liberty." The temper of the people was firm and fixed to maintain their rights and to resist British aggression; and Governor Tryon saw with uneasiness on the one hand the resolute Sons of Liberty, and on the other the discontented inhabitants of the interior agitating for desirable local reforms and for a mitigation of local grievances which he was powerless to remedy.

Early in June the palace was so near completion that the governor removed from Brunswick and took up his residence in it.

#### The superior court broken up

When the superior court was to meet at Hillsboro in September, Chief Justice Howard was absent. Judge Richard Henderson opened the court on Saturday, September 22d. On taking his seat a petition, addressed to the chief justice and associate justices, was presented by James Hunter, in which it was declared that the juries were illegally drawn and were prejudiced, and that the county justices were parties to the delinquencies of the sheriffs and other officers; that the officers still took illegal fees; that the sheriffs would not settle, and their bondsmen were insolvent; that justice was not administered in the courts, and that they had determined to obtain redress, but in a legal and lawful way. On receiving this address Judge Henderson promised to make an answer to it on Monday; but on the opening of the court on that day some one hundred and fifty Regulators, at the head of whom were Husband, Hunter, Howell, Butler, Hamilton and Jeremiah Fields, came into the courthouse armed with clubs and whips. Fields, addressing the court, declared that the Regulators did not propose to have the cases against their leaders postponed, but that the trials should proceed at once; and as they objected to the jurymen drawn for that court, they would have others appointed who would not be prejudiced against their own party. The judge undertook to reason with

Hillsboro,  
Sept., 1770  
C. R., VIII,  
235, 245

Cause of  
discontent



1770

the crowd and addressed them, whereupon they withdrew, but immediately fell on John Williams, an attorney, who was coming into court, in such a furious manner that it was with great difficulty his life was saved by his escaping into a storehouse. Their blood being now up, they seized Colonel Fanning, who had sought shelter on the bench, and dragged him by the heels out of the door of the court-house, and were dealing him furious blows when he, too, succeeded in escaping and took refuge in a store, which the mob then attacked, demolishing the windows with stones and bricks, trying to force him from his shelter. During the uproar several approached the judge on the bench, telling him with great oaths that his "turn should be next;" but Hunter and others soon informed the judge that he should not be hurt if he would proceed to hold the court till the end of the term, requiring, however, that no lawyer should be allowed to attend except alone the prosecuting officer, and saying that "they would stay and see justice impartially done." In the meantime Thomas Hart, Alexander Martin, Michael Holt and many others had been severely whipped, and Colonel Gray, Major Lloyd, Francis Nash, John Cooke, Tyree Harris and others fled for safety. The judge did not disdain to resort to artifice. He agreed to hold the court as required; but after four or five hours, the rage of the crowd having subsided a little, they permitted him to adjourn the court for the day, and conducted him with great parade to his lodgings. At ten o'clock that night the judge, thinking discretion the better part of valor, escaped by a back way, gained the woods and fled to his home in Granville.

Fanning, having surrendered to them, was allowed to return to his home on his word of honor to attend them the next day. They decreed his death, but more humane counsels prevailed, and he was permitted to take to his heels and run until he should get out of their sight. They then destroyed his residence and household effects. For two days the riot continued, the merchants and inhabitants being run out into the country, expecting their stores and houses to be pillaged and laid waste. But besides breaking the windows of most of the houses, not much substantial damage was done, except to Fanning's dwelling.



Judge Henderson hastened to make a report of these proceedings to the governor, who convened his council; and on October 18th the governor issued his proclamation requiring the justices to make diligent inquiry into the offences committed and transmit the depositions of witnesses to be laid before the next General Assembly. Judge Henderson's broken faith in not continuing to hold his court met with severe retribution. On the night of November 12th his barns and stables were destroyed, several horses being burned in the conflagration, and two nights afterward his dwelling house was set on fire and consumed. Contemporaneously with the news of this destruction came the disquieting information to the governor that the Regulators proposed to come down to New Bern to intimidate and overawe the Assembly, then about to meet or to prevent Colonel Fanning from taking his seat as a member. In the meantime some of the inhabitants at the west, seeking self-preservation, entered into a sworn association under the name of Redressers to assist and protect each other. Among those thus associated were Edmund Fanning, Francis Nash, Adlai Osborn, Alexander Martin, Jesse Benton, John Hogan, Thomas Hart, James Murphey, Will Mebane and others afterward prominent as citizens in that region.

1770  
C. R., VIII,  
253, 254

C. R., VIII,  
258-264

The  
Redressers  
C. R., VIII,  
274

On December 5th the Assembly met. There was no great change in membership. Hillsboro having been created a borough town, Fanning was returned as its member.

Dec., 1770

John Harvey, who had been speaker during the last two assemblies, was now ill at home, and in his absence Samuel Johnston proposed for speaker Richard Caswell, who was unanimously chosen. The governor received the Assembly in the new mansion, which was then finished; and considering New Bern as the established seat of government he later, at the request of the Assembly, ordered the secretary to remove all the papers of the secretary's office from Wilmington to that town.

The governor in his address again repeated his earnest recommendation for a new system of keeping the public accounts and inveighed strongly against the loose methods that had always been in vogue in the province. He also urged the most scrupulous inquiries into the complaints against

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282 *et seq.*





1770

public officers, and that a clear statement should be made of the fees to which they were legally entitled. Animadverting with great indignation on the mob who in contempt of the resolve of the last house had torn "justice from her tribunal and renounced all legislative authority," he urged the raising of a sufficient body of men to protect the magistrates and civil officers in the execution of the laws. He nevertheless directed particular attention to the desirability of establishing a public seminary in the back country, and otherwise recommended that there should be general coöperation in measures for the public good.

Tryon  
transferred  
to New York

The Earl of Hillsborough had some months before mentioned to the governor that he had had an opportunity of having him transferred to New York and would have done so had he thought that Governor Tryon desired it. The governor expressed regret that the position had not been offered him. He now informed the Assembly that he had received leave of absence, but hoped that before his departure he would be able to give stability to the interior police of the country, and restore to the province the blessings of peace. At the very time he was making this communication to the Assembly, arrangements were being made in England for his transfer to New York, and on December 12th he was appointed governor of that province. In view of his expected departure for England, and there being no friction at the moment over continental affairs, the relations between the governor and the Assembly were most cordial. The Assembly warmly expressed its gratification and appreciation of his valuable services as governor and their confidence in the sincerity of his efforts to promote its prosperity and welfare, and he repeatedly declared his unchangeable purpose to use his influence under all circumstances to advance the peculiar interests of the province. "Neither time nor distance can ever efface from my mind," said he, "the just sense of the obligations I owe you for your favorable opinion of my public services." On all sides there was a purpose to enter at once on the consideration of the remedial legislation which had been interrupted by the dissolution of the previous Assembly. Edmund Fanning, a close friend of the governor and the greatest sufferer at the hands of the Regulators,

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Fanning  
active



was among the foremost in this important work. He presented petitions from the Presbyterians asking that their clergy might be authorized to perform the marriage ceremony according to their own rites, also petitions for the division of Orange County, and he otherwise sought to promote the wishes of the people. A committee was raised to consider the amendment of existing laws, and Mr. Fanning from that committee reported that the laws establishing fees of the various officers should be made more clear; that the Presbyterian clergy should be allowed to solemnize the rite of marriage by a license, without any fee to the established clergy; that the law relative to the inferior courts should be amended, and their jurisdiction and that of single magistrates should be enlarged; and he suggested that the committee should be continued during recess. Colonel Rutherford was similarly active, and introduced several bills for the erection of new counties, which the people by their petitions requested. (The counties of Wake, Guilford, Chatham and Surry were thus established.) The fees of officers were regulated, and the charges of attorneys-at-law were fixed according to the service rendered. The amount in every case was to be included in the bill of costs, and nothing more than the law allowed was to be demanded by them; yet any client was permitted the privilege of paying more after the matter was concluded if he felt so disposed; and if any lawyer neglected his case the court was to direct that he should pay the costs.

Because of the scarcity of money sheriffs were forbidden to sell property for less than two-thirds of the appraised value. The fees of clerks were regulated, and those theretofore allowed by law to the chief justice were abolished, and an adequate salary was provided for him. To encourage immigration, all persons who should come into the province directly from Europe were exempted from the payment of taxes for four years. In order to promote education Governor Tryon in his address had recommended the establishment of a public school in the western part of the province, and Fanning brought in a bill for that purpose; and an act was passed incorporating Queen's College at Charlotte, a hamlet in Mecklenburg, so called in honor of her Majesty.

1770

C. R., VIII,  
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The new  
counties 1771

S. R.,  
XXIII, 789

S. R.,  
XXIII, 782  
*et seq.*

Queen's  
College



1771 These and various other acts were intended and calculated to remove and redress the grievances of which the Regulators had complained.

### The riot act

Jan., 1771

C. R., VIII,  
481

Johnston's  
bloody bill

Drafts  
ordered

But the Assembly was not willing to stop there. It proposed that the peace of the province should not be disturbed. It passed an act introduced by Samuel Johnston to prevent tumultuous and riotous assemblies. It enacted that if ten or more persons, being unlawfully, tumultuously and riotously assembled together, to the disturbance of the public peace, after being openly commanded by any justice or sheriff to disperse, should notwithstanding remain together one hour thereafter, they should be adjudged guilty of felony and suffer death. And it was made the duty of such justice or sheriff and such persons as should be commanded to assist to apprehend the rioters; and if any of them in resisting should be killed the officers should not be held liable; and it was enacted that the prosecutions under that law might be in any superior court in the province, and not necessarily in the county or district where the offence was committed; and also if any bill of indictment was found for an offence under that act, it was lawful for the judges of the superior court to issue a proclamation to be put up at the court-house and at each church or chapel of the county where the crime was committed, commanding the indicted person to surrender himself to the sheriff within sixty days; and if the person did not surrender himself according to the proclamation he was to be deemed guilty of the offence as if he had been convicted; and it was made lawful for any one to slay such outlaw.

In anticipation of further riots and insurrections the governor was authorized to order out drafts from the different regiments of militia, who were to be paid for their services, and he was authorized to draw his warrant for the payment of such sums of money as should be necessary, which the treasurers were required to honor. And if any number of men should in an armed and hostile manner oppose the military force raised under the act, they were to be considered as traitors and treated accordingly.





Such was the measure of repression to vindicate "the honor of government." "Your absence," wrote Iredell to Harvey, "at so critical a period is much to be regretted." "This bill, I believe, you would have thought expedient, though severe; but desperate diseases must have desperate remedies."

1771  
C. R., VIII,  
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It was indeed a severe penal act, but was to remain in force for only one year and no longer, and during that period it was to be read by the justices at the court-house door in every county on the second day of court, and by the minister, clerk or reader at their place of public worship immediately after divine service once every three months.

By it the Assembly proposed to maintain the authority of government, to prevent riots and suppress insurrections even at the cost of blood.

It had been said that the Regulators proposed to embody and forcibly prevent Edmund Fanning from taking his seat. Because of these threats the governor was so apprehensive that he caused a ditch to be dug from Neuse to Trent River enclosing the inhabited part of the town; and the militia of the neighboring counties were directed to oppose the insurgents should they come. During the sitting of the Assembly James Hunter published a letter addressed to Judge Maurice Moore in the *New Bern Gazette*, which was deemed slanderous. Moore was a member of the house, and the house took notice of it, and it being understood that Hermon Husband, also a member of the house, had caused it to be printed a committee was appointed to investigate the matter. After an examination the house resolved that Husband was guilty of gross prevarication and falsehood; and as he had insinuated in conversation that, in case he should be confined by order of the house, he expected down a number of people to release him, he was adjudged in contempt of the house, and was immediately expelled. The governor at once convened the council, the chief justice being one of the body, and it being considered that if Husband should rejoin the Regulators fatal consequences might ensue, they unanimously requested the chief justice to take depositions and issue his warrant for apprehending Husband, who was committed to jail and confined until he could be tried.

New Bern  
fortified

C. R., VIII,  
269, 331

Husband  
arrested



1771

C. R., VIII.  
495C. R., VIII,  
490Militia  
movesC. R., VIII,  
498Husband  
dischargedC. R., VIII,  
500-509

On January 15, 1771, the riot act was passed. A week later the governor informed the Assembly that he had received intelligence that led him to apprehend that the insurgents were preparing for some speedy act of violence—the liberation of Husband by force. All now was in a flutter, and an appropriation was made to enable the governor to withstand the expected assault. The public business was hurried to an end, and on the 26th the Assembly was prorogued to meet on May 10th. Governor Tryon apparently had a disposition to try conclusions with the Regulators. He did not wish to leave the province at the end of his term in a state of anarchy and confusion, and so he rather courted a situation that would result in the speedy suppression of disaffection. The legislation of the session was calculated to disarm opposition, and he hoped that it would disorganize the adherents of the Regulator chieftains. After Husband had been in jail a month reports were received that the people of Orange were assembling, and on January 19th the governor appointed a special court under the riot act to be held by the chief justice on February 2d for the trial of Husband and other alleged criminals. In anticipation of an attempt at rescue, the governor ordered the militia of the neighboring counties to be in readiness to repulse the insurgent force. The Wake regiment assembled at Colonel Hunter's; that of Johnston County at Smithfield, while Colonel Caswell held the Dobbs militia at Kingston. It was reported that the march on New Bern would begin on the 11th, and a proclamation was issued prohibiting for a reasonable time the sale of firearms and ammunition, lest they should come into the hands of the mob. On February 8th, however, the grand jury of the special court, having considered the bill preferred against Hermon Husband for libel, found it not a true bill and Husband was discharged. Being now free, he leisurely returned to the back country. In the meantime the Regulators had been active, and having embodied a large force, crossed the Haw River, and proceeded to the eastward. With that detachment were thirteen wagons, while four wagons had not yet crossed the river, when Husband reached Hunter's Lodge in Wake County, where the Wake regiment was assembled, and wrote assuring his friends of his



Very Truly Yours

J. A. Aske



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